FILE No-

8 7 2 .1

PRIME MINISTER
GOVERNMENT OF BOMBAY

Personal & Confidential

Council Hall,
Poona, 29th June 1946.

My dear Babasaheb

You must have read from the papers that the Congress High Command has thought of you in connection with the Constituent Assembly as a suitable delegate from Bombay. Although I have not yet received positive instructions, I am given to understand that your name is almost certain. I think you should send me a declaration in the following form as soon as you get this to be made use of as the nomination date in Bombay will be 11th July. I shall wire you as soon as I get official instructions. The Constituent Assembly is likely to meet after the 10th of August. I am writing this in advance so that time may not be lost. The form of the declaration should be as follows:-

"I hereby declare that -

(1) I have not been proposed for candidature to represent any Province other than the Province of Bombay.

(2)

(2) I am willing to serve as a representative of the Province of Bombay on the Constituent Assembly for the purpose of framing a new Constitution for India."

You should sign and date the declaration and send it to me in advance as soon as you get this letter by Air Mail. I will communicate to you as soon as I receive official instructions from the Working Committee. With kindest regards

Yours sincerely

(B.G.Kher)

The Right Honourable Dr.M.R.Jayakar,P.C.,
Privy Council Office,House of-Lords,S.W.1
LONDON (ENGLAND).

Sup. Corr Con. Assembly 3

2

PRIME MINISTER
GOVERNMENT OF BOMBAY

Council Hall,
Poona, 19th July 1946.

My dear Babasaheb,

I am in receipt of your telegram of the 18th. I regret very much to inform you that your letter of the 5th instant and the nomination form forwarded with it were received by me on the same day i.e. on the 18th. This was apparently due to the postal strike we have here throughout India since the 10th July. We had, in the meanwhile, made all possible efforts through the postal authorities in Bombay and Poona to get your letter before the 15th July but without success. However after we meet we can discuss what could be done about it.

Yours sincerely,

(B.G.Kher)

Rt.Hon'ble Dr.M.R.Jayakar,
Grosvenor House,
Park Lane,
LONDON W.1.

PRIME MINISTER
GOVERNMENT OF BOMBAY

Council Hall,
Poona, 4th July 1946.

My dear Balasaheb,

In continuation of my letter dated the 29th June 1946. The Working Committee has issued instructions to me to include your name amongst the delegates from Bombay. I hope you will agree. It is necessary to have a declaration signed by you. I send you the declaration to be signed. Please send it to me by return Air Mail so that I may have it in time. I shall have the name duly proposed and seconded.

Yours sincerely,

(B. G. Kher)

Rt.Hon'ble Dr.M.R.Jayakar, P.C.,
C/o. Privy Council Office,
LONDON S.W.1.

PRIME MINISTER
GOVERNMENT OF BOMBAY

Council Hall,
Poona, 4th July 1946.

My dear Babasaheb

In continuation of my letter dated the 29th June 1946. The Working Committee has issued instructions to me to include your name amongst the delegates from Bombay. I hope you will agree. It is necessary to have a declaration signed by you. I send you the declaration to be signed. Please send it to me by return Air Mail so that I may have it in time. I shall have the name duly proposed and seconded.

Yours sincerely,

(B.G.Kher)

Rt.Hon'ble Dr.M.R.Jayakar, P.C.,
Athenacum Club,
Pall Mall,
LONDON S.W.1.

NOMINATION PAPER.

(Election of representatives on the Constituent Assembly allotted to the *Muslim / *General Community in the Province of Bombay.)

*Strike off which is inapplicable.

I propose Mr.....
as a candidate to represent the Province of Bombay on the Constituent Assembly.

Proposer .....

Seconder .....

Date.....

Declaration by candidate.

I hereby agree to this nomination and declare that I am willing to serve in the Constituent Assembly as a representative of the *~~Muslim~~ / *General part of the Bombay Legislative Assembly for the purpose of framing a new constitution for India.

*Strike off which is inapplicable.

I further declare that I have not been proposed as a representative of any part of the Legislative Assembly of any other Province in India in the said Constituent Assembly.

London — Mukund R. Jayakar

Date..... (Signature of the candidate).

(To be filled in by the Secretary to the Bombay Legislative Assembly.)

Serial No.

This nomination paper was delivered to me at my Office at ..... on ..... 1946.

Secretary to the Bombay
Legislative Assembly.

Certificate of scrutiny.

I have scrutinized the eligibility of the candidate, the proposer and the seconder, and find that they are respect-ively qualified to stand for election, to propose and to second the nomination.

Secretary to the Bombay
Legislative Assembly.

Printed in England.
Aug. 1945
(20,000 Pads)

Form for Reduced Rate Plain Language Telegram.

5/12A

CABLE (C AND W) WIRELESS

LIMITED.

OFFICE STAMP AND DATE.	No.	Charge. £	s	d	Clerk's Name, No. and Circuit and Time forwarded.
	Time				
Office Instructions: *Via Imperial Cable* / *Via Imperial Wireless*	No. Words				
Instructions to be Signalled. LC.					4

NOTICE—This Telegram cannot be accepted unless the Declaration at the foot of the Telegram is previously filled in and signed by the Sender.

The indication LC, DLT, NLT or ELT must be inserted between the double hyphens before the address of this Telegram, which indication is charged for as one word.

NAME AND ADDRESS IN BLOCK LETTERS, PLEASE.

TO = = Prima Manufacturing, Pontypridd 18.7.46

Surprised at Ladys recent Ref my Nomination form
Ref receipt ~~of~~ in time Kindly attend promptly with
address Five days in advance of due date

Regards

I hereby declare that the text of the above Telegram is entirely in plain language (the language used being.....), that it is written in accordance with the general usage of the language, and that it does not bear any meaning other than that which appears on the face of it.*
I request that the Telegram may be forwarded on the faith of the foregoing declaration and subject to the conditions printed on the back hereof by which I agree to be bound.

Signature of Sender..... Telephone No.....

Address.....

(Not to be telegraphed) * State here the language used. [P.T.O.

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2.—Neither the Company, nor any agent of the Company by whom this telegram is accepted for transmission or delivery to the Company, nor any Telegraph Company or Government Telegraph Administration by whom this telegram is or would in the ordinary course of the telegraph service be forwarded, nor any of their respective officers or servants, shall be liable to make compensation for any loss injury or damage arising or resulting from non-transmission or non-delivery of the telegram, or delay or error or omission in the transmission or delivery thereof, through whatever cause such non-transmission non-delivery delay error or omission shall have occurred, even though occasioned by the neglect or default of the Company or such agent or Telegraph Company or Telegraph Administration or any officer or servant in their employ.

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4.—The Company operates to various countries both cable and wireless services at equal rates of charge, and in these cases the Company reserves the right to use at its discretion, to the best advantage, either the cable or the wireless service, unless the sender has marked the original message "via cable" or "via wireless," or with the name of a particular route denoting transmission specifically by cable or by wireless.

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21, West Smithfield, E.C.1	CITy 6541
3, Borough High Street, S.E.1	HOP 0818
41 & 43, Parliament Street, S.W.1	WHItehall 2441
Thos. Cook & Son, Ltd., Main Office, 43, Berkeley Street, W.1	MAYfair 4587
Cumberland Hotel, Marble Arch, W.1	AMBassador 1234
73, Regent Street, W.1	REGent 6244
Golden Cross House, Charing Cross, Strand, W.C.2	WHItehall 3696
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And the District Messenger Company's Offices.	

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Glasgow C.2: 67, St. Vincent Street	City	7761
Hull: 4, Silver Street	Central	25811
Leeds 1: 15, Infirmary Street	Leeds	32464
Liverpool 2: 4, Castle Street	Central	8951
Manchester 2: 94, Mosley Street	Central	3223
Newcastle: 31, Mosley Street	Newcastle	22321
Porthcurno, Penzance (Cornwall)	St. Buryan	206
Sheffield 3: 50, The Wicker	Sheffield	28283

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Imperial House, 9, Donegall Square East, Belfast — Belfast 27438

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HEAD OFFICE OF THE COMPANY:—ELECTRA HOUSE, VICTORIA EMBANKMENT, LONDON, W.C.2.

Telegraphic Address: EMPIREGRAM ESTRAND. Telephone: TEMple Bar 1222.

Mr. Khan

Constituent Assembly

8

Grosvenor House,
Park Lane,
London, W.1.
14th July, 1946

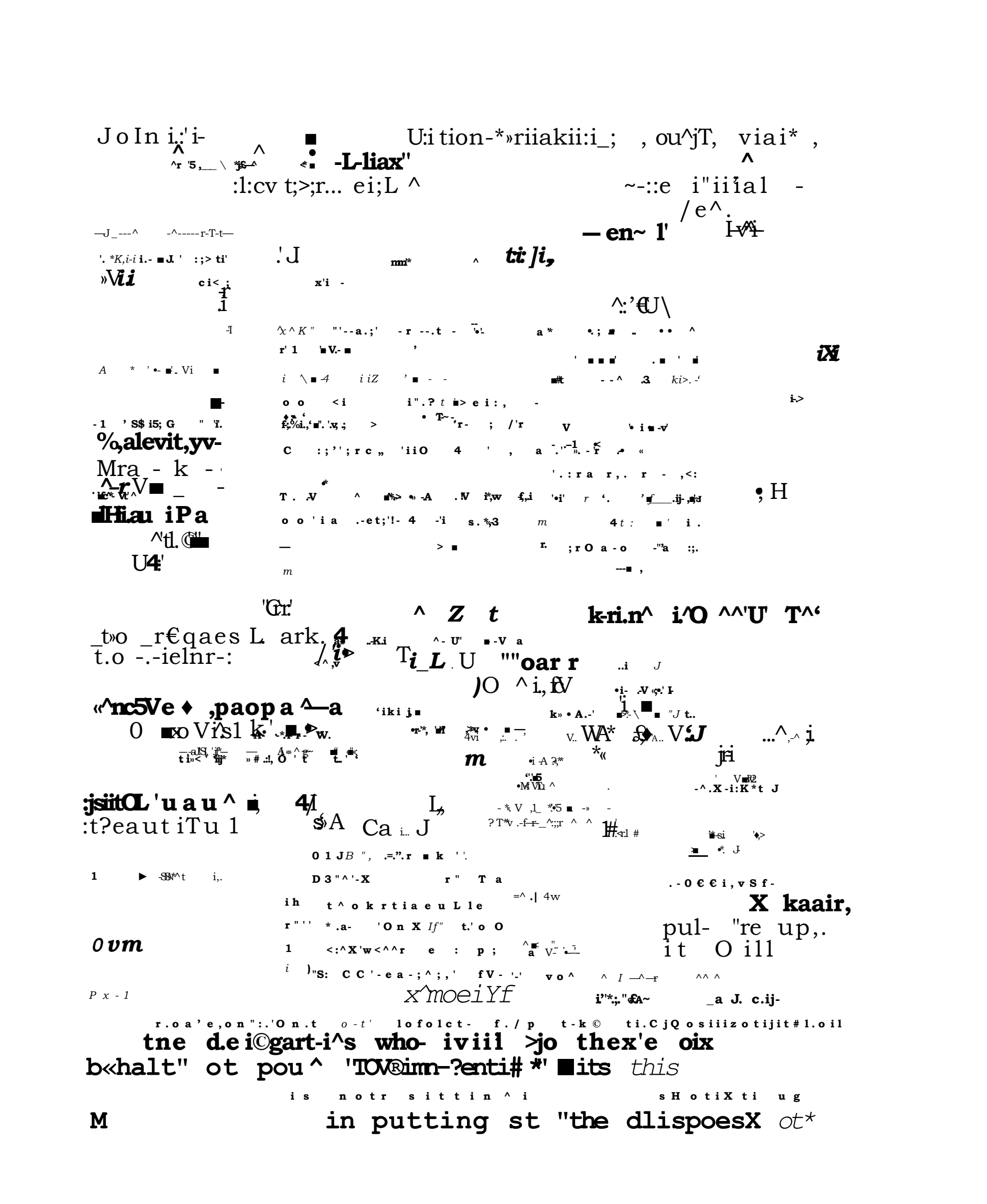
5

My dear

I hope by this time you have received my declaration, my cable that it was sent, and also my signed form (two copies of which were sent to me for my signature) including the declaration. The London Times reports that the Congress has nominated me as a representative on the Constitution-making body. I am very pleased that I shall have an opportunity of working on behalf of the Congress on that important organisation and I am hopin that my presence will be useful.

There is a talk here of my being wanted to be again on the Judicial Committ during autumn. There is now a long vacation of eleven weeks, at the end of wh a suggestion is in the air that I should return. No formal request has yet been made to me. It may be made a few days before I leave for my colleagues here hav found my work very useful, but if such a request is made I shall certainly tell th that as long as there is work in my counti suitable to my taste and temperament it will have priority over work in England. And that is the present state of my feeli

I do hope that the Constitution-makin body will give me enough work to my taste and that in that case I shall postpone my retu to this country until I am free, but I understand from the tape news which the Athenaeum Club puts on the board daily that the Bombay Muslim League is raising impossible demands as a condition of its



Bombay

Poona

9

these days, the excellent rooms in Western Court, where I used to reside at one time when I was a Legislator. Such an arrangement is made, it will save a lot of bother and also provide the usual conveniences for the benefit of your delegates, including their food. Perhaps the matter has already occurred to you and you have taken steps in that direction. If not, this letter is meant as a reminder of that necessity.

I am definitely leaving London in the early morning at 2 o'clock on 1st August, reaching Bombay either in the noon or afternoon of Saturday, the 3rd. You will, of course, be in Poona, but I expect to hear from you in reply to this letter on my return to Bombay, where I expect your reply will await me.

With kindest regards,

Yours sincerely,

6

B. G. Kher, Esq.,

Prime Minister,
Bombay Government,

Poona.

MA/Th.

(KHER)

C.A

Grosvenor House,
Park Lane,
London, S.W.1.

10

26th July, 1946.

I have had no letter or cable from you in reply to mine expressing my surprise that my nomination paper did not reach you in time. I expected some intimation as to what is happening in Bombay, whether I can still be on the Constitution-making body by a process of bye-election, or in some other way. I am anxious to be useful in my own country if it is possible.

In the meanwhile, you will be interested to hear that the Viceroy has sent me an invitation, through the Secretary of State, to attend the Peace Conference at Paris as a representative of India. I considered the question very carefully, and, notwithstanding the pressure from official quarters, I am declining it today because I feel that my presence will be more useful in India in helping at the framing of the Constitution rather than at Paris, where India and the Indian delegates will play a very subordinate part. I am seeing the Secretary of State at 11 today and announcing this decision to him.

I expect to reach Bombay on the 3rd and hope to meet you shortly thereafter. Today's "Times" reports the progress of

events in India, including the work of an expert committee at Delhi, over which Pandit Nehru presides. I shall know more about the possibilities of my being useful when I meet you, but I have, after careful consideration, thought it advisable to place my services at the disposal of the Government, neglecting the chances of a delightful life in Paris for a few years. I hope that events will prove that my decision to hasten back to India was right.

Printed in England Now

5/-152

CABLE & WIRELESS LTD

ISSUING OFFICE

C.A

NO.

RECEIVED PARTICULARS

1946 JUL 7

Received midday Sunday 7/7.

VIA IMPERIAL

The first line of this Telegram contains the following particulars in the order named: Prefix Letters and Number of Message, Office of Origin, Number of Words, Date, Time handed in and Official Instructions, if any.

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BY 25124

CW VWK2697/G BOMBAY 24 7 1450 =

LC THE RT HON M R JAYAKAR P C ATHENIUM

CLUB PALL MALL LONDONSW =

WIRE POONA IF DECLRATION RECEIVED AND

DESPATCHED = B G KHER ✠

RT HON M R P C B G ✠ RD DECLARATION ✠

Printed in England. March 1945.(8,000 Pads)

CABLE AND WIRELESS LIMITED

"Via Imperial"

OFFICE OF ISSUE

No. 12

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BM		1946 JUL 4	

C & W CENTRAL STATION 1 24 JUL 46

Sent out

227

GOVERNM

(PRIORITY

C W VWR1079/Q POONA 101 4 1700 BGOVT

- M R JAYAKAR PRIVY COUNCIL OFFICE HOUSE OF LORDS LONDONSW1 -

SIGN AND RETURN BY AIR MAIL FOLLOWING DECLARATION REACHING HERE BEFORE 14TH DECLARATION BEGINS I HEREBY AGREE TO THIS NOMINATION AND DECLARE THAT I AM WILLING TO SERVE IN THE CONSTITUENT

MADE AT ANY OF THE COMPANY'S OFFICES.

AND W WIRELESS LIMITED

"Via Imperial"

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BM			

OFFICE OF ISSUE

5/-153

No. 53

VWR1074/2

Sent out

By

ASSEMBLY AS A REPRESENTATIVE OF THE GENERAL PART OF THE BOMBAY LEGISLATIVE ASSEMBLY FOR THE PURPOSE OF FRAMING A NEW CONSTITUTION FOR INDIA I FURTHER DECLARE THAT I HAVE NOT BEEN PROPOSED AS A REPRESENTATIVE OF ANY PART OF THE LEGISLATIVE ASSEMBLY OF ANY OTHER PROVINCE IN INDIA IN

ANY ENQUIRY RESPECTING THIS TELEGRAM SHOULD BE ACCOMPANIED BY THIS FORM AND MAY BE MADE AT ANY OF THE COMPANY'S OFFICES.

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Parliament Street, S.W.1	HOP	0818
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Branch, Marble Arch, W.1	MAYfair	4587
Thos. Cook & Son, Charing Cross, Strand, W.C.2	AMBassador	1234
Cox's Bank, S.W.1	REGent	6244
Thomas Cook & Son, 125, Strand, W.C.2	WHItehall	3696
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Liverpool 2: 4, Castle Street	Central	5951
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Sheffield 3: 50, The Wicker	Sheffield	20283

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NORTHERN IRELAND—

Imperial House, 9, Donegall Square East, Belfast ... Belfast 27435

EIRE. (IRELAND).

Street (Knaggy Office only)

Telephone No.: Dublin 74995.

ELECTRA HOUSE, VICTORIA EMBANKMENT, LONDON, W.C.2.

Telephone: TEMple Bar 1222.

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No. 14

VWR 1079/3

Circuit.	Clerk's Name.	Time Received.	
BM			

Sent out

By

THE SAID CONSTITUENT ASSEMBLY ENDS

PLEASE ALSO DATE ABOVE DECLARATION -

KHER ✠

M R 14TH ✠

ANY ENQUIRY RESPECTING THIS TELEGRAM SHOULD BE ACCOMPANIED BY THIS FORM AND MAY BE MADE AT ANY OF THE COMPANY'S OFFICES.

TELEGRAMS ACCEPTED FOR ALL PARTS OF THE

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3, Borough High Street, S.E.1	HOP	0818
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EIRE. (IRELAND).

DUBLIN: 67, Middle Abbey Street (Enquiry Office only) ... Telephone No.: Dublin 74995.

OFFICE OF THE COMPANY:—ELECTRA HOUSE, VICTORIA EMBANKMENT, LONDON, W.C.2.

Telegraphic Address: EMPIREGRAM ESTRAND. Telephone: TEMple Bar 1222.

Copy of

Reply sent to Mr Khan Cable dated 4th from Poona, received here on the 5th

My dear Bala Saheb

I just received your Cable dated here from the P.C. office in Downing Street.

As desired, I am sending out the declaration you had Cabled about. I suppose it indicates that you first proposes to see me elected with Constituents ably from Bombay. I shall be most happy to work on that Body, and would try to be helpful, but please note that with all my willingness I have no desire to enter into any acrimonious Contest or rivalry, which at my age and essentially with my position position here & in public life in India would appear unseemly. Barring that, and if elected in an honourable way I shall be happy to serve in that Body

Yours truly

M K Jayakar

P.S. As the proposal has come from you, this an assurance that my election, if made, would be in any honourable way. I take it in that light. I have preferred writing this letter on a separate page from the personal letter, so that it can be torn off if necessary.

P.C. Cable dated an Saturday evening & declaration by Mr Jayakar dated

16

Constituent Assembly (New file)

Bombay
August 5, 1946.

My dear Balasaheb,

Thank you for your letter of the 1st, which reached me this afternoon with your special messenger.

With reference to our talk on the phone yesterday, I wonder why it is necessary for your Government to wait until the constitution making body meets in the 1st or 2nd week of September and frame rules. I should have thought that the Bombay Legislative body, which made the primary elections, would have implied power to fill in vacancies which are occasioned by events like death, resignations etc. Such a power would seem to be implied in the power to make primary elections. If this is done, I can get into the constitution making body immediately and prove useful in the preliminary work which has to be done before the holding of the plenary session. On the other hand, if I have to wait till the second week of September, it means a waste of time for five or six weeks.

Yours sincerely

M.R.J.

B.G. Kher, Esq.,
Prime Minister of Bombay,
Poona.

17

Council Hall,
Poona, 1st August 1946.

My dear Babasaheb

I am in receipt of your letter of the 26th ultimo. The Constituent Assembly has not yet settled its procedure as regards bye-election, but one of the members elected from the Bombay Legislative Assembly will resign and make room for you as your desire to serve India is kenner than the desire to have the chance of a delightful life in Paris for a few weeks.") I am sure your decision will prove absolutely correct. More when we meet.

Yours sincerely
B.G.Kher
(B.G.Kher)

The Right Hon.Dr.M.R.Jayakar,P.C.,
Winter Road,Malabar Hill,
BOMBAY.

P.S.- What with our Postal Strike and other strikes we have not been able to get our post at all regularly.

PRIME MINISTER
GOVERNMENT OF BOMBAY

9. No 872

18

Secretariat,
Bombay, 9th August 1946.

My dear Babasaheb,

I am in receipt of your letter of the 5th August. Yes, I agree and am making arrangements that Mr. Shantilal Shah's resignation should be received as early as possible and the necessary arrangements made for your election. The earliest date on which this can be done is the 2nd September, i.e. when the Legislative Assembly will meet.

Yours sincerely,
B.G.Kher

(B.G.Kher)

The Right Honourable Dr.M.R.Jayakar, P.C.,
"Ashram", Winter Road, Malabar Hill,
BOMBAY 6.

Constitution-making Body.

Bombay.

August 15, 1946.

My dear Balasaheb,

Your letter of the 13th reached me this morning. We seem to be at cross purposes. I am not regarding the question of my election to the Constituent Assembly in any personal light. I maintain an attitude of perfect indifference in the matter. I shall only say that I came to India, in response to your [illegible] to place my services at the disposal of the Congress Government in connection with the deliberations of the Constitution-making Body. How to make use of my services and from what period is a matter entirely for you to decide. You know the position best. I expressed my views in my letter to you as regards the implied power of the Bombay Legislative Body to fill in casual vacancies, because these views happened to be in accord with those of Sardar Vallabhai Patel, as he telephoned to me a few days ago. But, don't be unduly pressed by my views. You know best your position and your difficulties and your appreciation of them should be the best guide in the matter. I can only say that if any congenial work arises for me in India, during the next few days, it will have preference over a counter attraction of work in the congenial surroundings of the Judicial Committee in London. I have no desire to press you to do anything specially for me. I need say nothing more.

Yours sincerely

M.R.J.

PERSONAL.

Council Hall,
Poona, 13th August 1946.

My dear

In continuation of my letter of the 9th August, I understand that there are no rules of procedure for filling up vacancies in the Constituent Assembly framed by Govt of India and that that question has been left to be dealt with by the Constituent Assembly itself. In view of your letter to me of the 5th August we are now proceeding to hold a bye-election on the Constituent Assembly and to elect you in place of Mr.Shantilal Shah, who has already sent in his resignation. But this will of course require the permission of the Hon'ble the Speaker whom I am approaching now for the purpose. At the same time, you will realise that there is a risk of someone objecting to the procedure which we are adopting and to your presence in the Constituent Assembly in the first sitting and the question of the validity of your election may be raised by some opponent of the Congress. We should be prepared to meet this situation.

I ...

I shall let you know the Hon'ble the Speaker's view about holding a bye-election as soon as I meet him and discuss the question of Mr.Shantilal Shah's resignation and your election with him.

Yours

(B.G.Kher)

The Right Honourable Dr.M.R.Jayakar,P.C.,
"Ashram",Winter Road,Malabar Hill,
BOMBAY.

PERSONAL.

C. A.

PRIME MINISTER
GOVERNMENT OF BOMBAY

Council Hall,
Poona, 17th August 1946.

My dear Baba Saheb

Your letter of the 15th instant has just come to my hands. I am very sorry if I gave you the impression that I was doing anything for your sake. Indeed, this is far from truth. I only wrote to you to acquaint you with the position so that subsequently if anyone raised a point you may not be taken by surprise. Of course, we are very anxious to see that what would have happened but for the postal strike is now restored without any delay. I know you had not asked to be elected and it was very good of you to agree. Please do not carry the impression that I am going to do anything specially for you, but as what I am doing affects you I thought I should keep you in touch. Of course, as regards the legal position I trust your judgment more than mine. I might have instructed you to advise me if you had been at the Bar and I had been practising as Solicitor. I have already asked the Honourable the Speaker and will keep you posted with what happens.

I trust you are keeping fit.

I remain,
Yours

(B.G.Kher)

The Hon'ble Dr.M.R.Jayakar, P.C.,
"Ashram", Winter Road, Malabar Hill,
BOMBAY.

BOMBAY PROVINCIAL CONGRESS COMMITTEE

CONGRESS HOUSE
Vithalbhai Patel Road
Bombay-4

23

21st August 1946.

2629146

To

Shri M. R. Jayakar

Constituent Assembly

16

Dear Friend,

We beg to communicate for your information the following decision of the Working Committee :

" The Committee considered the question and decided that no person who has been elected to the Constituent Assembly in pursuance of the Congress resolution passed by the A.I.C.C. at its meeting in Bombay dated July 6 and 7 1946, can be allowed to resign from it for political reasons. Such resignations are against Congress discipline and the discipline of the Congress party in Provincial Assemblies."

Yours sincerely,

S. Kiran

General Secretary.

Rao

Constitution Assembly. Bombay.

August 31, 1946.

My dear Mitter,

Thank you very much for your letter of the 27th. I shall bear in mind all that you write therein. I myself had a faint suspicion of the matter. Since then, I read your interview reported in the Times of India. I do not know whether I shall be on the British Indian Negotiation Committee. But, if I am there, I shall bear in mind what your letter states.

With kind regards,

Yours sincerely

M.R.J.

Sir B.L. Mitter,
Dewan of Baroda,
Baroda.

Confidential

25

7

BARODA.

27.8.46

My dear Jayakar

As you are going into the Const. Ass. I want to inform you confidentially of the attempts which are being made in Kathiawar & Gujrat to sabbotage the Assembly, with a view to prolong paramountcy. Some of the rulers have been told that the end of paramountcy is their death-knell and the safest course for them is to keep out of the Const. Assembly, in which event, the Constitution to be framed would be for Br. India only and the Rulers would, not only gain time, but would be in a better bargaining position in preserving dynastic rule. An "honest broker" was asked by me what the "brokerage" was. It was a shock. The Jam Saheb has paid heavy brokerage

and is being "most influentially" backed.

The terms on which States representatives will go into the Const: Assem: will be the subject of negotiation between the two Negotiating Committees. The Bz. Indian Neg. Com. should not, in my opinion, insist upon too stringent conditions. Half by election + half by nomination would be reasonable. Take Baroda. The total population of our attached States is 6 lacs. Our Dhara Sabha does not represent them. Therefore, if these 6 lacs are to be represented at all, it can only be by nomination. Again, only 8 per cent of our population has the franchise and it is absurd to suggest that election by Dhara Sabha would secure representation of the 100 % of our people. 50 : 50 is a good formula

Kind regards

Yours Sincerely

B. L. Mitter.

PRIME MINISTER
GOVERNMENT OF BOMBAY

Poona, August 1946

Constituent Assembly.

My dear Babasaheb

I am in receipt of your letter. The Home Department is in charge of granting priorities for cars. I have passed on your letter to Mr. Morarji Desai and I am sure he will do what is humanly possible: You must have learnt from the papers that only your nomination form is received for the vacancy and I am sure after scrutiny your election will be unanimous. Of course I shall keep you informed from time to time. You will as you say

be required to attend at Delhi when the Constituent Assembly is summoned

I hope you are well

Yours sincerely

Ayer

The Right Honourable
Dr. M. R. Jayakar, P.C.,
Winter Road, Malabar Hill,
Bombay 6.

C.A.

Bombay.

August 31, 1946.

My dear Balasaheb,

Thank you very much for your letter. I have no doubt that Mr. Morarji Desai will give me all the help he can in obtaining a permit. As soon as I have it in my hands, I will send it on to Mr. Walchand Hirachand, who has very kindly promised to let me buy a Dodge car. I am keeping myself ready to attend Delhi, whenever the Constituent Assembly is summoned. I understand, however, that the date originally announced, viz., the 15th of September, for its first meeting is now postponed owing to several causes.

With kind regards,

Yours sincerely

M.R.J.

B.G. Kher, Esq.,
Prime Minister of Bombay,
Poona.

C. A.

PRIME MINISTER
GOVERNMENT OF BOMBAY

Council Hall, Poona,
3rd September 1946.

My dear Babasaheb

Both your letters of the 28th and the 31st August are duly received. You must have learnt from the papers about your election. I have sent your letters to Mr. Morarji Desai.

Congratulations Yours Sincerely

B G Kher

(B.G.Kher)

Rt. Hon'ble Dr. M.R.Jayakar, P.C.,
Ashram, Winter Road,
Malbar Hill,
BOMBAY.

Const. Ass. Assembly

31

EXPRESS LETTER.

No. 1621.

Legislative Assembly Office,
Council Hall,
Poona, 3rd September 1946.

22

From

The Secretary to the Bombay Legislative Assembly,

To

The Right Honourable Dr. M. R. Jayakar, M.A., LL.D., D.C.L., P.C.

Sir,

I have the honour to inform you that you have been declared elected by the Bombay Legislative Assembly at its meeting held on the 2nd September 1946 to the seat rendered vacant by the resignation of Mr. Shantilal H. Shah, M.L.C., as a Representative of the Province of Bombay on the Constituent Assembly. A document of credentials signed by the Honourable the Speaker is being sent to you separately.

2. I am to request that you will be so good as to communicate to this office very urgently ~~the date of~~ your birth date as this information is required by the Secretary to the Constitutional Adviser, New Delhi, in connection with the preparation of Who's Who of members elected to the Constituent Assembly.

Your obedient servant,

(S. K. SHEODE)
Secretary to the Bombay Legislative Assembly.

Telegraphic
Address:
"INFORMA"

Constituent Assembly.

D.O. No.F. 24/12/46-M&RS.

32

PRESS INFORMATION BUREAU
GOVERNMENT OF IN IA

New Delhi.3. Sept 7 , 1946.

23

Dear Sir,

This Bureau is frequentl required to provide biographical details of Indian leaders to journalists, publicists and newspaper correspondents, both Indian and foreign. To ensure that our facts are authoritative and accurate, I request you to be so good as to provide us with important details of your career. The information may kindly be given on the lines suggested in the enclosure.

Yours sincerely,

A S Iyengar

A.S. Iyengar
Principal Information Officer.

Encl:- As above.

Dr. M.R. Jayakar,
Hunter Road,
Malabar Hill, Bombay

ASI/SNB

"500 -- 28.8.46."

1. Name (in block letters)

2. Born on .....

3. Educated

4. Family

5. Career

6. Public activities

7. Subject or subjects in which he takes special interest.

8. Party Affiliation.

9. Offices (including party offices) held by him, and the period for which they were held.

10. Publications

11. Travels

12. Hobbies

13. Residential Address

14. Any other information which may be of use in writing a sketch

"500 -- 28-8-46"

ALL INDIA DEPRESSED GLASSES ASSOCIATION

G. A. Gavai
~~M. L. A.~~
General Secretary

Const. Assembly

AMRAOTI

Date 6-2- 194

नेक नामदार डॉ. जयकर
यांस

वि. वि.

संयुक्त महाराष्ट्राची घटना करण्याचे काम उपरोध अंगावर घेतलेले आहे. या घटने मध्ये अस्पृश्य मानलेल्या जातीकरिता साधारणपणे घटनात्मक संरक्षणांचा (Safeguards) समावेश होणे अत्यवश्यआहे असाही सूर नुकत्या भाषणात नी ऐकू येत आहे.

1 मूलभूत आधिकार (Fundamental Rights)
2 प्रत्येक वयात आलेल्या स्त्रीपुरुषास मताधिकार
3 प्रांतिक आणि मध्यवर्ती कायदे मंडळात योग्य त्या संस्थेच्या प्रमाणात जागा राखून ठेवणे. (अशी योजना याक्षणी प्रत्यक्षात करावयाची असेल तर हरकत नाही. कालांतरी मर्यादा घालावी)

याशिवाय युरोप व अमेरिका या देशोदेशी अल्पसंख्यांकांकरिता तेथील परिस्थितीप्रमाणे जे Safeguards घातले गेले आहेत त्यापैकी काही ची अंमलबजावणी या घटनेत करण्यात यावी असे वाटते.

माझ्या स्थानिचा असल्या Safeguards वर फारसा विश्वास नाही. शिवाय प्रत्यक्ष व्यवहारात असल्या संरक्षणाचे निष्फळ

करितां येणें हरकत नाहीं. आपला लेहुआदा घरना
सामिली करितां गेल्याबद्दल संयुक्त महाराष्ट्राच्या दृष्ट
जोरीं आपला पुढें येईल या बद्देसे आपली इच्छा
असल्यास मी या आपल्याच पक्षासंबंधी विचार
दोनेक्य करण्या करितां आपणास येऊन भेटेन.

नागपुरच्या तडजोडी मागें पंडितचे संपादकीय मतलब खोड-
कर घेण्यांत या संबंधाने कला गेल्या महत्त्वाचा तपशील
पण आतां आपण तडजोडीच्या दृष्टीने पुढे येण्या
ची आपणास विनंती करावी

आपला
वि. वि. चिपळूणकर.

मंत्र्यांच्या दर्जाबाबत खुलासा होणार

लवकरच सर्व राजकीय कैद्यांची मुक्तता ?

लोकशक्ति ६-९-४६ (आमच्या प्रातनिधीकडून)

नवी दिल्ली, ता. ४--राष्ट्रीय सरकारांतील मंत्र्यांस मंत्री म्हणावयाचें कीं नाहीं याबाबत बराच घोटाळा उत्पन्न झाला आहे. काल दुपारच्या बातमींचे वेळीं अखिलभारतीय रेडिओवरून पं. नेहरूंचा हंगामी सरकारचे मुख्य प्रधान असा उल्लेख केला गेला होता. पण संध्याकाळीं मात्र तसा उल्लेख त्यांचे नांवापूर्वी झाला नाहीं. सोमवारच्या गॅझेटमध्यें पं. नेहरू व त्यांचे सहकारी यांची गव्हर्नर जनरलच्या कार्यकारिणीवर नेमणूक झाल्याचें म्हटलें होते; पण पं. नेहरूंना व्हाइसरॉयांनीं ज्या पत्रकानें नेहरूंना उपाध्यक्ष नेमल्याचें जाहीर केलें त्यांत त्यांस हंगामी सरकारचे उपाध्यक्ष नेमल्याचें घोषित केलें आहे. आजच्या बैठकींत नव्या सरकारच्या दर्जाबाबत चर्चा होऊन कांहीं तरी निश्चित आदेश दिले जातील असें समजतें.

आज सकाळी सरदार पटेल गांधीजींना भेटले त्या वेळीं त्यांनीं राजकीय कैद्यांच्या मुक्ततेच्या प्रश्नावर चर्चा केली असें समजते.

मुंबई--दंग्याबाबतहि येथें गंभीरपणें चर्चा केली जात आहे.

घटना-समितीचे अध्यक्ष म्हणून डॉ. मुकुंदराव जयकर यांचेंच नांव घेतलें जात आहे.

सिलेक्ट कमिट्यांचें काम तहकूब

नवी दिल्ली, ता. ५—लीगपक्षीय सभासदांनीं मध्यवर्ती कायदेमंडळाच्या सिलेक्ट कमिट्यांत भाग न घेण्याचें ठरवलें असल्यामुळें त्यांचें कामकाज तहकूब झालें आहे असें समजतें.

कायदेमंडळाचे उपाध्यक्ष सर महमद यामिनखान लीगपक्षीय असून त्यांच्या अध्यक्षपदाखेरीज सिलेक्ट कमिट्या भरू शकत नाहीत. यामिनखान यांनी असहकार करण्याचे जाहीर केले तर त्यांच्यावर अविश्वासाचा ठराव येण्याचा संभव आहे. त्यामुळे ते कांही एक कारण न देतां गैरहजर रहातील असे दिसतें.

मोटर व्हेईकल्स सि. कमिटीची बैठक याच कारणाकरतां बेमुदत तहकूब झाली आहे.

पाटणा, ता. ४ — भारतसंरक्षण कायद्याची मुदत येत्या ३० तारखेस संपत असली, तरी त्यातील जनतेच्या हिताची कलमें (उ० भाडें-नियंत्रण) जादा हुकुमान्वये चालूं ठेवण्यांचें बिहार सरकारनें ठरवलें आहे.

समितींत नसणें हें समितीला कमीपणा आणणारें आहे असें कॉंग्रेसला वाटल्यामुळें समितीचें महत्व आणि वजन वाढविण्यासाठीं कॉंग्रेसनें त्यांना समितीवर निवडून पाठविलें आहे. आज डॉ. जयकर कॉंग्रेसचे सभासद नाहींत. तथापि कॉंग्रेसचें व त्यांचे संबंध परस्परांच्या कुचेष्टेवर आधारलेले नसून प्रामाणिक मतभेदावर आधारलेले असल्यामुळें त्यांचे-विषयीं कॉंग्रेसच्या वर्तुळांत निदान अनादर नाहीं. गांधीजीसारख्यांना तर आदरच वाटतो. डॉ. जयकर घटनासमितींत गेले आहेत ते सामान्य सभासद म्हणून एकादी खुर्ची अडविण्यासाठीं अर्थातच नव्हे. समितीच्या अध्यक्षपदावर शोभण्यासारखा त्यांच्यासारखा गुणसंपन्न दुसरा मनुष्य नाहीं ही गोष्ट कोणालाही कबूल करावी लागेल. जिनांच्या कपाळाला मात्र आणखी एक आठी पडलेली दिसेल. १९२८ सालीं कलकत्त्याच्या कन्व्हेन्शनमध्यें 'बिघडलेलें पोर' म्हणून जयकरांनीं जिनांची केलेली शोभा जिना या जन्मांत तरी विसरणार नाहींत.

—०—

डॉ. मुकुंदराव जयकर

ना. डॉ. जयतर

नेक नामदार डॉ० मुकुंदराव जयकर यांची घटना समितीवर आतां रीतसर निवडणूक झाली आहे. ते कॉंग्रेस पक्षाचे नसले तरी एवढा मोठा घटनापंडित

डॉ. जयकरांची घटनासमितीवर बिनविरोध निवडणूक झाल्याचें वृत्त वाचून कोणालाही आनंद झाल्याखेरीज राहणार नाहीं. घटनापांडित्य म्हणजे जयकर असें समीकरण मांडलें तरी तें फारसें चुकीचें ठरणार नाहीं. इतका ज्यांचा घटना शास्त्रावरचा अभ्यास आहे अशा दोनच व्यक्ति हिंदुस्थानांत आहेत, पहिले जयकर व दुसरे सर तेजबहादुर सप्रू.

परराष्ट्रामध्यें हिंदुस्थानचे वकील ही भूमिका कोण चांगल्या रीतीनें बजावूं शकेल, या प्रश्नावर कांहीं दिवसांपूर्वी वृत्तपत्रांतून जेव्हां चर्चा झाली होती तेव्हांही बहुमतानें डॉ. जयकरांनाच हें काम उत्कृष्ट रीतीने जमेल असा निष्कर्ष निघाला होता हें वाचकांना आठवत असेल. डॉ. जयकरांची विद्वत्ता, वक्तृत्व, कायदेपांडित्य, समयज्ञता, कलाभिरुची सुविख्यात आहे. १९१६ मध्यें प्रथम त्यांनी सार्वजनिक आयुष्यांत पदार्पण केलें. स्वराज्य पक्षाचे मुंबई कौन्सिलांतील सभासद, लेजिस्लेटिव्ह असेंब्लीचे सभासद, राऊंड टेबल परिषदेंतील प्रतिनिधी, या अनेक नात्यानी जयकर हे प्रथमपासून जनतेसमोर आहेत. १९३०-च्या कायदेभंगाच्या चळवळींत म. गांधी व व्हाइसरॉय आयर्विन यांजमधील शांतिदूताचें त्यांचे काम तर चिरस्मरणीय होऊन राहिलें आहे. त्यानंतर फेडरल कोर्टाचे न्यायाधीश, प्रिव्ही कौन्सिलवरील एक न्यायाधीश, याही भूमिका त्यांनीं उत्कृष्ट रीतीनें बजावल्या आहेत.

आतां घटना परिषदेंत अध्यक्षाचें महत्वाचें कामही बहुधा डॉ. जयकर यांजकडेच जाईल असें दिसतें. तसें झालें तर भारतवासीयांना हर्षच होईल यांत काय नवल ?

ना. डॉ. जयतर

नेक नामदार डॉ० मुकुंदराव जयकर यांची घटना समितीवर आतां रीतसर निवडणूक झाली आहे. ते कॉंग्रेस पक्षाचे नसले तरी एवढा मोठा घटनापंडित समितींत नसणें हें समितीला कमीपणा आणणारें आहे असें कॉंग्रेसला वाटल्यामुळें समितीचें महत्व आणि वजन वाढविण्या-साठीं कॉंग्रेसनें त्यांना समितीवर निवडून पाठविलें आहे. आज डॉ. जयकर कॉंग्रेसचे सभासद नाहींत. तथापि कॉंग्रेसचे व त्यांचे संबंध परस्परांच्या कुचेष्टेवर आधारलेले नसून प्रामाणिक मतभेदावर आधारलेले असल्यामुळें त्यांचे-विषयीं कॉंग्रेसच्या वर्तुळांत निदान अनादर नाहीं. गांधीजीसारख्यांना तर आदरच वाटतो. डॉ. जयकर घटनासमितींत गेले आहेत ते सामान्य सभासद म्हणून एकादी खुर्ची अडविण्यासाठीं अर्थातच नव्हे. समितीच्या अध्यक्षपदावर शोभण्यासारखा त्यांच्यासारखा गुणसंपन्न दुसरा मनुष्य नाहीं ही गोष्ट कोणालाही कबूल करावी लागेल. जिनांच्या कपाळाला मात्र आणखी एक आठी पडलेली दिसेल. १९२८ सालीं कलकत्त्याच्या कन्व्हेन्शन-मध्यें 'बिघडलेलें पोर' म्हणून जयकरांनीं जेनांची केलेली शोभा जिना या जन्मांत तरी विसरणार नाहींत.

Constituent Assembly.

Bombay.
September 10, 1946.

My dear Balasaheb,

I thank you for your letter of the 5th. I was in Dr. Mulgaokar's hospital, consequent on an operation, for about 11 days. I returned home only yesterday, but shall be confined to bed for another ten to twelve days.

May I congratulate your Government on the prompt steps taken to put down the communal disturbances? Your speech at the Press Conference was excellent.

Yours sincerely

M.R.J.

B.G. Kher, Esq.,
Prime Minister of Bombay,
Poona.

Constituent Assembly.

Bombay.

September 10, 1946.

Dear Mr. Firodea,

I thank you for sending me credentials under your signatures relating to my election as a member of the Constituent Assembly.

Yours sincerely

M.R.J.

The Hon'ble Mr. K.S. Firodea,
Speaker, Bombay Legislative Assembly,
Poona.

TELEPHONE 40488

Dalmia-Jain Nivas
New Delhi

September 5, 1946.

My dear Dr.Jayakar,

I shall be obliged if you will kindly stay with me during your next visit to Delhi. My service will be at your disposal for whatever little I can do for your comfortable stay here. Please let me know.

Yours sincerely,

R Dalmia

Dr.M.R.Jayakar,
Winter Road,
Malabar Hill,
Bombay.

Bombay.

September 10, 1946.

My dear Mr. Dalmia,

I cannot thank you adequately for your kind letter of the 5th, offering to put me up during my next visit to Delhi. But, I am afraid my stay during my next visit to Delhi may be for a very long time, perhaps for several months, if the Constituent Assembly will go on with its work as expected. I am afraid that it will not be right for me to trespass on your generous hospitality for all this long period. In any event, I am very grateful to you for your kindness. As at present advised, I am keeping myself in readiness to be in Delhi for the work of the Constituent Assembly some-time after the middle of October.

Yours sincerely

M.R.J.

Ram Krishna Dalmia, Esq.,
Dalmia-Jain Nivas,
New Delhi.

GOVERNMENT OF INDIA.
ESTATE OFFICE.

Constituent Assembly

From

Rai Sahib G.T.Meghram,
ESTATE OFFICER.

To ALL THE MEMBERS OF THE CONSTITUTENT ASSEMBLY.

Circular No. 4577-E.O.(1), dated New Delhi, the 8th August, 1946.

Sir,

In view of the pressure on residential accommodation in Delhi, it is necessary to settle, at a very early date, the question of accommodation for members of the Constituent Assembly. I am accordingly to enquire whether you desire to apply for any of the residences noted below or whether you will make your own arrangement. The accommodation which will be available for allotment to Members is of 4 types as shown below:-

Type 'W'	Constituent Assembly Hostel on Curzon Road (Consisting of single and double suites with a telephone in each suite).
Type 'X'	Western Court. (Consisting of single and double suites).
Type 'Y'	Other Government Hostels (Consisting of single and double suites).
Type 'Z'	Private Hotels (Consisting of the following accommodation).

Imperial Hotel, New Delhi	15 Suites.
Marina Hotel, New Delhi	10 Suites.
Swiss Hotel, Old Delhi.	29 Suites.
Maidens' Hotel, Old Delhi.	42 Suites.
Cecil Hotel, Old Delhi.	28 Suites.

2. Statements giving details of the accommodation contained in these residences and showing the daily rents are attached. A Member taking a residence will be charged daily rent and will be liable for the rent from the date he proposes to occupy whether the residence is occupied by him or not. The rent fixed for all the residences available include the rent for the sanctioned scale of furniture only and extra rent must be paid for any extra furniture taken. Bed linen and towels are not supplied in any of the residences, except in Hotels

3. The following general principles will be followed in allotting a residence:-

(a) separate allotments will be made to each Member by the Estate Officer.
(b) preference will be given to Members who apply before the date fixed for receiving applications.
(c) allotments will be made by ballot, and separate ballots will be held for each of the type of accommodation mentioned above.
(d) a separate set of rooms as self-contained as possible will be reserved for lady members in the Curzon Road Hostel, if a sufficient number apply.

4. Members are requested kindly to send in their applications on the form attached to this circular. When applying for accommodation care may be taken to indicate 2 or more preferences. No guarantee can, however, be given that first preference will be met.

5. In no case will an allotment once made be cancelled except in unavoidable circumstances such as when a Member is unable to attend the Session on account of ill-health or for other valid reasons. In case of reservation in a Hotel, the Member will have to pay rent

to the.....

to the Hotel upto the date on which the reservation is cancelled.

6. The residences are primarily intended for Members only and under no circumstances should unauthorised persons be permitted to occupy them when once they have been vacated; and this applies even to cases where the residences are vacated before the expiry of the period for which they were allotted. Members are, therefore, requested to make over their residences to the Central P.W.D. authorities on vacation, except in the case of Hotels, where charge of the rooms should be made over to the Hotel authorities.

7. Both European and Orthodox messing are provided at the Constituent Assembly Hostel on Curzon Road and Members are requested when applying to mention clearly whether they want European catering or orthodox catering. In all other accommodations, European catering is provided.

8. Members are requested when applying for residences to state whether they will require a garage and servants' quarters reserved. No garages will be allotted by the Central Public Works Department. Garages will only be made over to Members by the Central Public Works Department after they have been allotted by the Estate Officer. Members are, therefore, advised to ensure that garages are formally allotted to them, by the Estate Officer before they arrive in Delhi or within 24 hours of their arrival.

9. A reply to this letter is requested by the 20th The allotments will be finally made by ballot on the 24th at 11 A.M. in the Estate Officer's room in 'N' Block, Raisina Road, New Delhi.

I have the honour to be,
sir,
Your most obedient servant,

G.T.MESHRAM
ESTATE OFFICER.

BRS.8.8.1946 - "35"-D"

Reply sent on 11th.
on form supplied with this letter
I expressed first preference for Western Court, Double
or Married Suite (one bed room, one
Sitting Room and Bath Room with telephone connection
in the room.
I express no preference for any other quarters
as the ground that I did not know what they were like
I asked for European messing arrangements
& for a garage & servants quarters

Accommodation provided in Type 'Z' in private hotels for the Members of the Constituent Assembly.

	Type of accommodation.	Quantity.	Charges per room.
1. Imperial Hotel.	Single rooms	5	Rs. 13/- to Rs. 15/- per day.
	Double rooms	10	Rs. 26/- to Rs. 35/- per day.
2. Marina Hotel.	Single suite	4	Rs. 15/- per day.
	Double Rooms	6	Rs. 30/- per day.
3. Maidens Hotel.	Single Rooms	22	Rs. 14/- to Rs. 15/- per day.
	Double Rooms	20	Rs. 30/- per day.
4. Swiss Hotel	Single Rooms (in Cottage)	10	Rs. 14/- per day.
	Double Rooms	19	Rs. 26/- per day.
5. Cecil Hotel.	Single Rooms	8	Rs. 14/- per day.
	Double Rooms	20	Rs. 24/- to Rs. 30/- per day.

Note: The charges are payable direct to the Hotel M

STATEMENT SHOWING PARTICULARS OF ACCOMMODATION AND RENTS OF RESIDENCES AVAILABLE FOR THE MEMBERS OF THE CONSTITUENT ASSEMBLY IN NEW DELHI.

Nos. of Residences	Particulars of accommodation	Rent	Charges for messing
Accommodation provided in Type "W" Constituent Assembly Hostel on Curzon Road, New Delhi.			
Married suites Nos. 1, 16, 31, 46, 61, 76, 91, 106, 121, 136, 151, 166 & 181.	One Bed Room, one sitting room, one bath room	Rs. 7/-/- per day	Rs. 5/- per head. (Provisional)
Single suites Nos. 6, 7, 21, 22, 36, 37, 51, 52, 66, 67, 82, 96, 97, 111, 112, 126, 127, 141, 142, 156, 157, 171, 172, 186, 187, 198, 199,	One room and a bath room	Rs. 3/-/- per day.	__do__
Single suites Nos. 2 to 5, 8 to 15, 17 to 20, 23 to 30, 32 to 35, 38 to 45, 47 to 50, 53 to 60, 62 to 65, 68 to 75, 77 to 78, 83 to 90, 92 to 95, 98 to 105, 107 to 110, 113 to 120, 122 to 125, 128 to 135, 137, to 140, 143 to 150, 152 to 155, 158 to 165, 167 to 170, 173 to 180, 182 to 185, 188 to 197, 200 to 207.	One room and one bath room for every 2 suites.	__do__	__do__
Accommodation provided in Type "X" Western Court New Delhi.			
Married suites. Nos. 2, 12, 16, 17, 27, 52, and 53.	1 bed room, One sitting room and one bath room.	Rs. 6/9/- per day	Rs. 5/6/- per day per head
Single suites. Nos. 1 A, 6, 9 A, 19 A, 24, 28, 50, 51, 54, 7; 8, 21 A, 21; 22, 33, 34, 35, 36 to 39, 46 & 49.	1 bed room and 1 bath room.	Rs. 3/12/- per day	__do__
Accommodation provided in Type "Y" other Government Hostels.			
KOTAH HOUSE NEW DELHI. Married suites. Nos. 63, 65, 72, 73, 74, 75, 78, 79, 81, & 82.	1 bed room, 1 bath room & Glazed Verandah.	Rs. 3/- per day.	Rs. 5/6/- per day per head.
PATAUDI HOUSE NEW DELHI. Married suites Nos. 79 to 81, 83, 84, 91 to 95,	__do__	__do__	__do__
SINGLE SUITES. Nos. 40, 42, 43, 46 to 49, 51 to 53.	1 bed room 1 bath room.	Rs. 2/- per day	Rs. __do__

Note: Messing in Government Hostels is compulsory and no private cooking is permitted.

Constituent Assembly

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No. 25 of 1946-47.

Office of the
All Karnatak Unification
League, Dharwar.
Date:- 5-9-1946.

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Dear Dr Jayakar,

I am forwarding herewith a draft report of the recent activities of the Karnatak Unification Sangha. I am sure you are well aware of the keenness and the agitation of kannada people for the linguistic re-grouping of provinces. In a few days' time, we shall be forwarding to you, along with other representatives in the Constituent Assembly, the case for Karnatak Unification. In the meanwhile, I am personally writing to you on certain points.

1. Could the question of linguistic re-grouping of provinces be taken up by the Constituent Assembly (at least in group A) at the very commencement?

2. What would be the best method of uniting leaders of Karnatak, Andhra and Maharashtra who are all for linguistic provinces ?

3. All the three areas mentioned above are interspersed with small and big states. The recent - Convention of kannada representatives decided on a sub-federation, responsible government in the states being a pre- condition. Could the suggestion meet the situation ?

4. What procedure should be adopted in fixing up the boundaries, in case the proposed provinces - are brought into existence. Population figures? Historical tradition ?

5. Should the minority issue be raised in this - - connection or should it be left over as an All - India issue ?

I fully realise the demand on your time. Never-the-less, I feel that your genuine interest in the - subject would induce you to send me a reply at the earliest.

Yours truly,

R V Jagirdar

Vice-President,
All Karnatak Unification
League, Dharwar.

Reply Overleaf

Bombay.

September 16, 1946.

R.V. Jagirdar, Esq,
Vice-President,
Karnatak Unification League,
Dharwar.

Dear Sir,

The Rt. Hon'ble M.R. Jayakar has received your letted of the 5th. He will attend to it as soon as he feels better. He is not quite well at present.

Yours faithfully

KSV

Secretary to
The Rt. Hon'ble M.R. Jayakar.

No. of 1946-47.

Office of the
All Karnatak Unification
League, Dharwar.
Date:- 5-9-1946.

Dear Sir,

On the 31st of August 1946 a convention of Legislators, elected members to the Constituent Assembly (from Karnatak), office-bearers of the Praja-Mandala and members of - Legislative bodies in the states met at Davanagere(on the - border of Mysore and Bombay Karnatak) and adopted a resolution over the unification of Karnatak. In forwarding a copy of the resolution, I have the honour to place the following - - facts before you.

The question of the unification of Karnatak has - been agitating the Kannada public for the last 26 years. During the course of that period, all public and Local-self-Government Institutions, all political parties and leaders of public - - opinion(both official and non-official) have with one voice demanded the unification. Various representations to Government, to Congress and other parties, individually to leaders -- like Mahatma Gandhi and others have been made. The area and economic position of the proposed Karnatak prove that the - - province has better claims and would be self-sufficient.

During these last years, the unification movement has grown in another respect. From administrative unification of British districts, the movement has developed to one of -- uniting the entire Karnatak area-British and State -into one province. For the last few years, this union of the whole kannada area alone has been declared as the goal and it has been made clear that nothing short of it would satisfy our demand. The - urgency of the demand may be realised from the fact that the convention has called upon all the Princes in the area to - - immediately set up people's Government so that Unification is not delayed.

Representation at the Convention was as follows:-

1. Area:-

Belgaum Dharwar Karwar Bijapur Sholapur	Bombay province
Bellary Anantpur Mangalore	Madras province
Coorg Mysore Hyderabad Deccan The Deccan States	

representatives from each area-according to districts mentioned above-attended

2. Political parties:-

i. Congress
ii. Hindu Mahasabha
iii. Congress Socialists
iv. Communists
v. Radical Democratic Party
vi. State Congress organization and Praja mandals.
vii. Non-party leaders
viii. All Karnatak Cultural and literary Societies.

3. Economic interests.

i. Karnatak Chambers of Commerce
ii. Peasants and Labour unions
iii. Land-lords

The above, I beg to submit, would convince anyone of the unanimity of Kannada people over the unification question.

A strong committee has been set up to take up work immediately. The original members of the committee are,

i. Sjt. M.P.Patil, Minister for Forest and Agriculture in Bombay province

ii. Sjt. S.Nijalingappa, President of the K.P.C.C.

iii. Sjt. K.B.Jinaraj Hegde, President All Karnatak Unification League

The convention was inaugurated by Sjt.K.R.Karant, Revenue Minister in Madras Province and presided over by Sjt. M. P. Patil.

Among other things, the committee have decided to meet leaders from other areas desiring linguistic re-grouping and also to contact members to the Constituent Assembly. Finally I would beg to inform you that all relevant material shall be supplied to you in the nearest future.

I have the honour to remain,
Sir,
Yours most faithfully,

R.V.Jagirdar

Vice-President
All Karnatak Unification
League, Dharwar.

"Without prejudice to the immediate formation of a Karnatak Province consisting in the first instance of the British Karnatak areas, this convention of the representatives of Karnatak including the British Karnatak State, hereby declares that alround development would not be achieved without a common Government Federal or otherwise - for the entire - without distinction of the British Karnatak or State Karnatak - Kannada people.

To facilitate such a common Government for the whole of Karnatak this Convention is of the opinion that it is absolutely necessary to establish democratic and responsible Government in all the native states and further requests the Rulers of these states to co-operate with us in this task.

This convention strongly urges the Constituent Assembly to take up the important question of the formation of provinces on linguistic basis and to take immediate steps to constitute Karnatak into a seperate province.

This convention appoints a committee consisting of the following members to take all further steps toward the fulfilment of the objects of the above resolution:-

1) Sjt. M. P. Patil
2) " S. Nijalingappa
3) " K. B. Jinaraj Hegde.

Constituent Assembly.

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Bombay.
September 27, 1946.

My dear Sir Narsingh Rao,

Lying in my sick bed, consequent on an operation and stay in a Nursing Home for some time, I have been very closely following the incidents in New Delhi, particularly your talks with Mr. Jinnah. I am so happy that the Viceroy thought of this expedient and, without desiring to know what happened during your talks, I am certain that their purpose in clarifying the contents of the material documents must have been well served. I cannot imagine anyone in India, who knows more than you do about the Indian constitution, present or prospective, or the contents and the implications of the Cabinet Mission's statements. These I propose to study carefully once more, when I feel equal to the effort. I am anxious to give my best help as a member of the Constituent Assembly, to which I have been elected as a nominee of the Congress. One of the attractions of that position will be the restoration once more of the intimate contact with you after so many years and I am so glad that your knowledge and experience will be available to the Constituent Assembly. That is, if I may say so, a happy augury of the success of its work. I am not aware yet of the Interim Government's plans about the Constituent Assembly. But, I am hoping that it will succeed in preparing a free constitution for India, based upon agreement between the important political and other interests in the country. In such a task, your services, helped by your own personal cordiality and genial temper, will be of inestimable value and I am so glad that you began the process with your talks with Mr. Jinnah. We shall know the result in a few days and I do hope that the Muslim League will come in and take its proper place in the future administration of the country. I am looking forward to the pleasure of meeting you when I shall

be in Delhi about the beginning of December.

Pandit Jawaharlal Nehru very kindly invited me to join the Delegation to the UNO General Assembly, originally fixed for the 23rd of September. But, owing to ill-health and other difficulties, I had to decline it. I do hope that the Delegation, which is now proceeding to attend the October session of the UNO General Assembly, will be of equal strength and prestige with the strong official South African Delegation.

The immediate purpose of my writing to you is that I have been bothered with more than one letter by the Secretary to the Bombay Legislative Assembly with requests to supply to your Secretary details of my own career. I ignored this letter for some time, but it is followed by repeated requests of the same nature. I enclose for your information, and perhaps your amusement, a copy of my last reply to him, which, I am hoping, will end the matter finally.

I hope you are in excellent health. When working on the Constituent Assembly, I am hoping to find New Delhi different from the gloomy days of the Federal Court, when my habitual company during the day used to be the four red-coated chaprasis smoking away their time on a bench on my verandah and suffusing the inside of the bungalow with the smoke and stench of cheap beedies. I hope to have a very interesting time as a member of the Constituent Assembly.

With kindest regards,

Yours Sincerely

M. R. J.

Sir B.N. Rau,
Hon. Constitutional Adviser
to the Governor-General & to
the Constituent Assembly,
New Delhi.

EXPRESS LETTER.

No. 1951
Legislative Assembly Office,
Council Hall,
Poona, 26th September 1946.

From

The Secretary to the Bombay Legislative Assembly;

To

The Right Honourable Dr. M.R. Jayakar,
M.A.,LL.D.,D.C.L.,P.C.

Sir,

I have the honour to invite a reference to paragraph 2 of this office letter No.1631, dated the 3rd September 1946, and to request you kindly to furnish your birthdate to this office very urgently as it is required by the Secretary to the Constitutional Adviser, New Delhi, in connection with the preparation of Who's Who of members elected to the Constituent Assembly.

Your obedient servant,

(S.K. SHEODE)
Secretary to the Bombay Legislative Assembly.

Constituent Assembly

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BOMBAY.
September 27, 1946.

From

The Rt. Hon'ble M.R. Jayakar, P.C.

To

S.K. Sheode, Esq.,
Secretary to the Bombay Legislative Assembly,
Council Hall,
Poona.

Sir,

I have the honour to acknowledge receipt of your letter No.1951, dated the 26th. I will say in reply that, all my life, I have disliked supplying to the Press particulars about my own career. I hate doing such a thing and I have never done it so long. Besides, in this particular case, the information required would seem to be unnecessary. Particulars about the main incidents in my career can be found on a reference to any edition of an Indian Who's Who. Besides, I have no doubt that the Constitutional Adviser, whom I have known intimately for many years as a personal friend, knows everything worth knowing about me and my career. I do not quite appreciate the relevancy of the birth-date. It may have importance on occasions intended for creating matrimonial

connections. But, I am sure that the proposed Who's Who is not intended to serve any such purpose. I have received a similar communication from New Delhi and I am proposing to write in the matter personally to the Constitutional Adviser, Sir B.N. Rau.

You will kindly forgive me for this frank reply.

Yours obedient[illegible]

M. R. J.

Telegrams: "JAIDE" NEW DELHI.

MAJOR DIWAN
JARMANI DASS,
O.B.E.

Telephone: 8906

3, JAIN MANDIR ROAD,
NEW DELHI.

DATED 27th Sept 1946

C. Assembly

57

35

My dear Mr.Jayakar,

I am delighted to receive your letter dated 20th September.

I saw in the News Papers that you were elected to the Constituent Assembly unopposed, and therefore you will be spending some time in Delhi from the 9th of December I will be looking forward to the pleasure of seeing you frequently during your stay in Delhi. The months of December, January, and February are very pleasant, though it is a bit cold for those who come from the South of India, but you have already spent several winters in Delhi, and know how to keep yourself warm.

Hoping you are quite well.

With best regards from my wife and myself,

Yours very sincerely,

Jarmani Dass

Rt.Hon'ble Mr.M.R.Jayakar, P.C.,
Winter Road,
Malabar Hill,
Bombay.

Constituent Assembly.

OFFICE OF THE CONSTITUTIONAL ADVISER
NEW DELHI.

57

September 30, 1946.

My dear Dr. Jayakar, 36

Many thanks for your letter of the 27th September which I received this morning. I am indeed very sorry to hear that you have been in a nursing home and are still far from well. I do hope you will soon be restored to full health so as to be able to take your share in the work of the Constituent Assembly. I am looking forward to the renewal of our old associations.

My talks with Mr. Jinnah were confined for the most part to what is called the long-term plan. He raised a number of points to which I sent a written reply and I believe he is now satisfied. The points that are now outstanding concern the short-term plan or, in other words, the formation of the Interim Government. I have not yet abandoned hope that a satisfactory solution may be found of such differences as still remain. But, as so often before, some unforeseen last-minute hitch may develop and shatter hopes. Let us wait and see.

I am sorry that you have been bothered with requests to supply details of your career. We have been trying to compile a "Who's Who" of the members of the Constituent Assembly: the occasion being a historic one, it seemed to us that such a record might be of interest to future generations. As you say, in your own case we shall [redacted] be able to get the necessary particulars from the "Times of India Who's Who" or other similar publication.

Hoping to see you soon and with kindest regards,

Yours sincerely,
B. N. Rau

The Rt. Hon'ble Dr. M.R. Jayakar.

CONSTITUENT ASSEMBLY OF INDIA.

CONFIDENTIAL.

No. CA/8/Cons./46.
Council House,
New Delhi, the 25th September, 1946.

From

H.V.R.Iengar, Esquire, CIE.,ICS.,
Secretary.

To

The Rt.Hon'ble Dr.M.R. Jayakar,
Ashrama, inter Road, Malabar Hill,
BOMBAY.

Sir,

I am directed to forward herewith the first batch of a series of pamphlets which have been prepared by the Constitutional Adviser. These pamphlets deal with the more salient aspects of the new Constitution, whether substantive or procedural, and may, it is hoped, be of assistance to members of the Constituent Assembly in their work. They have been written from a purely objective point of view and not for the purpose of supporting any particular thesis.

2. It is requested that the pamphlets may be treated as confidential, as they are intended only for your personal use.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary.

GOVERNMENT OF BARODA

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BARODA.
2nd Oct. 1946

38

My dear Jayakar.

Even at the risk of telling you what you probably know already here is my information the Pol. Dept: is playing its game through Bhopal and Sultan Ahmad. They say that the States are to negotiate with the representatives of the two major parties if one of them be not there, the States can not negotiate and Consequently the States will keep out of the Const' Assembly This Game has been going on for some time for. Hancock, one day asked me what Baroda would do if the Chamber of Princes did not participate - I said - "that makes Baroda's task easier I shall have direct talks with the Interim Govt and join the Indian Union He was shocked & merely remarked - "Don't you think the States should present a united front?" I said "certainly; but will they be

allowed to? The matter ended there

Two days back, Hancock told me that there was a move to form a Gujrat Province, on the linguistic basis & asked me what Baroda would do I said "Baroda will join & it will be the Province of Baroda & Gujrat". He did not pursue the matter, except remarking that in that case Vallabhbhai would Dominate the Province

The Pol. Dept. is casting about to find Obstacles There are Quicklings enough The Chamber of Princes is of course very handy. Then, there is Panikkar & possibly Krishnamachari & Maqbool. I don't know what Mudaliar will do I shall. — Support C.P. through thick & thin - My Maharaja will shortly make a Statement in England The draft was posted yesterday

Kind regards

Yours Sincerely

B. L. Miller.

DILARAM,

61

Baroda.

30.9.46

My dear Jayakar

Thanks for your letter

I am enclosing a Note

for your consideration

~~Kind regards~~

Yours Sincerely

B. L. Mehta.

Note.

The statement of the Cabinet Mission is mainly concerned with setting up a Constituent Assembly and an Interim Government. The States are not directly interested in the Interim Government. But they are interested in the Constituent Assembly, inasmuch as that Assembly will frame the Union Constitution. How the States will participate in the Constituent Assembly has not been indicated in any detail. Nevertheless, it is important for the States to have the details settled.

The Cabinet Mission's intention is stated in paragraph 19 (ii) and (iv) and paragraph 21 of the statement. The Constituent Assembly will meet in two stages -- preliminary and final. It is worth while examining how the States will be represented at each stage.

At the preliminary meeting the matters to be decided are

(a) the general order of business,
(b) election of Chairman and other officers,
(c) setting up of an Advisory Committee on
    (1) the rights of citizens (2) minorities and
    (3) tribal and excluded areas.

In this preliminary stage the States will be represented by a Negotiating Committee to be set up by them. It is understood that the States have done so. When the business mentioned above has been finished, the British Indian members of the Constituent Assembly will divide up into three sections A, B and C. This brings the preliminary stage to a close.

The States have no concern with the sections as the functions of the sections is to settle Provincial and Group Constitutions.

The next stage is when the sections will have completed their task and the Advisory Committee will have

made

made its report to the Union Constituent Assembly. Paragraph 19 (vi) provides that " the representatives of the Sections and the Indian States shall re-assemble for the purpose of setting the Union Constitution". This is the final stage.

Who will be representatives of the States at this stage ? Presumably, not the Negotiating Committee, mentioned above, who are expressly stated to represent the States in the preliminary stage. If it were the intention of the Mission that the same Committee would represent the States in the final stage also, it would have said so, instead of using the general expression "representatives".

In the settlement of the Union Constitution, the following among other questions will arise --

1. How many State units will there be in the Union ? The number of British Indian units will have bearing on this question.
2. What will be the criterion of eligibility of State unit ?
3. Will the internal constitution of State unit be a matter for discussion ?
4. The Provincial and Group Constitution settled by the Sections will presumably not be subject to confirmation by the Constituent Assembly; they will simply be embodied in the Union Constitution. If so, the constitution of the States units will presumably be similarly treated as final.
5. Confirmation of the report of the Advisory Committee with or without modification.

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6. Will anything settled with British India by the Negotiating Committee, be subject to confirmation by the Constituent Assembly or the States ? The States Negotiating Committee will not presumably have plenipotentiary powers.

Many of the above questions cannot be solved till the Provincial and Group Constitutions are known. For instance, the size of provinces may be reduced and the number of units increased. States Grouping may depend upon what is done in the provinces. It follows that consultation between the States and British India on Grouping will have to wait till the Sections have completed their business. Generally speaking, the Constituent Assembly will have plenary powers. It may very well refuse to accept a settlement made between its own and the States Negotiating Committees. Take the question of criterion of eligibility of a State unit. The criterion settled between the two Committees may be modified by the Constituent Assembly.

It is essential, therefore, that the position of the States should be clarified.

..

Private & Confidential.

Bombay
October 3, 1946.

My dear Mitter,

I have got both your letters of the 30th and the 2nd. The note which accompanied your first letter is excellent and I have no difference of views except that I do not feel so sure as you do about point No.4 at page 2 and point No.6 at page 5 of that note. I believe that the Constituent Assembly will have a general power of confirmation, both as regards the decision of the States group and the British Indian groups. In actual practice, this may not amount to much, but this ultimate power shall have to reside in the Constituent Assembly. I am studying these questions very carefully during such leisure as I can snatch in my present state of health. On the whole, your note is excellent and I hope that it will form the basis of the statement which, you say in your second letter, your Maharaja will issue in England. Your doctor Chandrachud came to see me in London one evening at the Athenaeum Club and expressed a desire that I should visit your Highness's new country seat. I said that I would do so on being assured that H.H. desired it. After that I got no further reply and the visit remained unpaid. I should have been happy to have had a talk with Your Highness, if that week-end visit had come about. But this is entirely for your information.

The danger you point out in your second letter, I am well aware

of and have already taken steps to set going some counteracting forces to check the mischief that Sultan Ahmed is creating with the aid of his employers. I never had any wrong notions about the true leanings of that gentleman and his employers. But, I am hoping that, driven to bay, as the Congress Government now seems to be, the object of this Cabal will not succeed. The alliance between Mr. Jinnah and the Chancellor of the Chamber and his adviser is too bare faced to deceive people and, so far as I can judge, its only effect will be to intensify Congress unwillingness to make more concessions. Today's report in the Times of India confirms this impression, which I formed as soon as I read Sir Sultan Ahmed's statement and the activities of the Nawab of Bhopal at New Delhi. Very often people defeat their secret object by overactivity and this is an instance in point. We shall know in two or three days' time whether my prognostication is correct, a part of which is that Jinnah will yield after bluffing right up to the last ditch, if the Congress remains firm, which seems very probable. Altogether the situation in Delhi does not seem to be devoid of hope.

It will be desirable if we could meet somewhere even for a few hours. My present health requires a complete month's rest as my doctor tells me and I am thinking of paying a visit to Vijayakar at Navsari, where, he says, the climate is cool and refreshing. If so and if you happen to be on your rounds anywhere near, we might meet for a few hours and have a frank talk on matters which cannot be included in a

brief letter like this. I shall probably visit him early next week and stay for two or three weeks with him. I am feeling very weak and that is why I want complete rest in pleasant surroundings. Vijayakar wrote to me that you had an attack of flu. I hope that you have recovered from it now.

With kind regards,

Yours Sincerely,
M. R. J.

Sir B.L. Mitter,
Prime Minister of Baroda,
Baroda.

Private & Confidential.

Bombay
October 3, 1946.

My dear Sir C. Ramaswamy Aiyar,

My hearty congratulations on your statement which appeared in the Press yesterday. It was most timely. As a matter of fact, when I read the mischievous statement, made by Sir Sultan Ahmed a few days ago, threatening the possible abstention of the Indian States from participation in the work of the Constituent Assembly, I knew that you would write immediately to counteract its effect. It is regarded here as a very mischievous statement. But, I am not surprised, because, I have always regarded him as also the quarters in which he moves at present as, in substance, Pakistani and hostile to the Congress and the Hindus generally. It is feared that, unless Sir Sultan Ahmed's statement is immediately contradicted by the Hindu members of the Princely Order or their Prime Ministers, it may have far reaching effects on the fortunes of the Constituent Assembly. It is hopeless to expect any Hindu Prince to take up the cudgels in this matter and, if I may say so frankly, you are the only Prime Minister, who has got the grit and the ability to publicly counteract the evil effects of the Sultan's statement. What you have written is excellent, but it is not sufficient.

The news from Delhi today is what I had expected for a long time. I have known Mr. Jinnah for well nigh 40 years from near and distantly and I can safely predict that he will carry on his bluff up to the very last ditch and up to the moment before he surrenders. One good sign is that there is an incipient insurrection in his own camp against direct action and non-cooperation. But, he is powerful enough to stiffle this opposition for some time sufficient to enable him during the interval to obtain by threats a few more concessions from the Congress Government. It is during this interval that the danger has to be guarded against and my suggestion to you is only one of the ways by

which this can be done. Kindly, therefore, consider this matter and take such steps as you think necessary to ensure a smooth working of the Constituent Assembly and of the Interim Government. I hope you are doing well.

With kind regards,

Yours Sincerely

M. R. J.

Sachivottama Sir C.P. Ramaswami Aiyer,
Dewan of Travancore,
Trivandrum.

C.A

B. bay.
October 5, 1946.

My dear Sir Narsing Rau,

Thank you for your letter. I have received from your Secretary a valuable set of papers described as Constitutional Precedents (1st Series). I am starting a careful study of all those papers as soon as I feel equal to the effort. I have no doubt that I shall find them very useful.

May I trouble you about one matter? Will you kindly ask your Secretary to send me by V.P.P. one copy of the most recent Rules and Standing Orders relating to the business of the Central Legislature? I understand that the business of the Constituent Assembly will be regulated by these Rules and Standing Orders. If the copy arrives by V.P.P., I will be able to pay for it immediately.

Looking forward to the pleasure of meeting you soon, I am, with kind regards,

Yours Sincerely
M. R. J.

Sir B.N. Rau,
Hony. Constitutional Adviser to the
Constituent Assembly,
New Delhi.

RE. LEAGUE OF LINGUISTIC PROVINCES.

Place.....

Date.....1946.

Dear Sir,

With reference to the circular letter dated 2-10-1946 of Messrs. Desabhakta Konda Venkatappayya Pantulu, Unnava Lakshminarayana, N. V. L. Narasimha Rao and G. V. Subbarao, regarding the formation of a League of Linguistic Provinces in all-India, I assent to the main objects of the League and agree to be a Member thereof.

Signature.....

Name (in full).....

Address.....

Sri. N. V. L. Narasimha Rao,

M. A., (Hons), Ll. B., Bar-at-Law,

GUNTUR.

(ANDHRA.)

League of Linguistic Provinces Committee,

'DESABHAKTA' KONDA VENKATAPPAYYA PANTULU, GUNTUR.
UNNAVA LAKSHMINARAYANA, BAR-AT-LAW, GUNTUR.
N. V. L. NARASIMHA RAO, M.A. (Hons.) LL B. BAR-AT-LAW GUNTUR.
G. V. SUBBA RAO, "GOSHTI", BEZWADA.

Rec'd 7.10.46

GUNTUR
2nd October, 1946.

Dear Sir,/Madam,

At a conference held in Guntur on 13—9—1946 under the auspices of the ANDHRA MAHA SABHA, with Sri Unnave Lakshminarayana as President, for concerting measures to help formation of Provinces in all India on a cultural and linguistic basis, a committee consisting of Messrs. (i) Desabhakta Konda Venkatappaiah Pantulu; (ii) Barister Unnava Lakshminarayana; (iii) Barrister N. V. L. Narasimha Rao and (iv) G. V. Subba Rao (Bezwada) was appointed to contact with the leaders ot the various Provinces and enlist their sympathy and cooperation in the cause and to form a League of Linguistic Provinces in all India, so that the question of forming such provinces in Free India may be brought prominently before the Country and mainly before the Constituent Assembly.

You are aware that the principle of a cultural and linguistic reconstruction of India has been blessed by **Mahatma Gandhi** and other leaders and approved by the *Congress, Hindu Sabha* and other *associations* in the Country and adopted in their working organisations. As early as 1917, a deputation of some Andhra leaders waited upon late Mr. Edwin Montagu and Lord Chensford not only for an Andhra Province but also for forming provinces in India on a linguistic basis with the result that a provision was made in the Government of India Act of 1935 empowering the Provincial Legislatures to constitute Provinces of their own. Already the constitution of Bihar, Orissa and Sind has been recognised to be in pursuance of the said principle; and recently, the *Congress* has placed it prominently in its election Manifesto and several leaders have been actively striving towards that end. There have been associations like the Andhra Mahasabha, Karnataka Unification League Maharastra unification society, Kerala unification etc., working for the realisation of the sameideal and the question of the rights of the linguistic minorities in the several provinces, has also got to beborne in mind and settled without delay. For pooling all such endeavours and presenting a common front to form the linguistic Provinces and makethem the basis of our coming Swarajya, and make its demand felt effectively both in the Constituent Assembly and in the Country at large, an all-India League of Linguistic Provinces has become an urgent and imperative necessity.

We consider the following are some among the proposed objects of the League :—

(i) To strive for the principle of cultural and linguistic reconstruction of Provinces and States being recognised and accepted by the Constituent Assembly, and to see a Delimitation Committee appointed for the purpose;

(ii) To secure and safeguard the rights and interests of the linguistic minorities tn the vari Provinces and States;

(iii) To collect the requisite data regarding the area, population, languages etc., of the various linguisti areas and espicially of their border territories;

(iv) To carry on propaganda in favour of the linguistic Reconstruction and to negetiate wihh the heads and leaders of the several States anb Provinces in the Country and secure their conssnt for such amalgamation, grouping or divisiоn as may be necessary;

(v) And to establish offices of the League in different parts of the Country and to co-operate with and affiliate to itself other associations with the same or similar objects. The League will be open to all those who believe in its objects, irrespective of their political allegiance or communal loyalties.

We therefore request you to join the League and co-operate with ue and make it a success A line in reply, by way of your kind acceptance as per enclosure, is earnestly soli ited.

GUNTUR,
2—10—1946.

We remain
Your sincerely,

(Sd.) KONDA VENKATAPPAYYA,
(Sd.) UNNAVA LAKSHMINARAYANA,
(Sd.) N. V. L. NARASIMHA RAO,
(Sd.) G. V. SUBBA RAO.

Rama Press, Guntur. 3-10-46. C. 500. G. 62.

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(2) 22. May. S of S. to Azad. p4. (10) 22. May. Memorandum on States Treaty Obligations. 69 – 72
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(4) 30 May Viceroy to Azad. p6 C.C. p165 p163 Same as C.M.D. no 6835. p11 Short date of print as 12/5.
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(35) 26" Jinnah to Viceroy. p27.

(36) " " Statemt by Messrs Viceroy & Viceroy. (Same as item 24) p27 ~~(29)~~ (27) See p137

~~(29)~~ (27) 26.6.46 Statemt by Messrs Viceroy & Viceroy - - - - p137

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(39) " Jinnah Statemt. ~~Same as item 31~~ p29 (Same as item 31) Jinnah Statemt - - - - - - - - - -

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C D 75

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GOVERNMENT OF INDIA
ESTATE OFFICE.

No. 4577-E.O.(I).

Dated New Delhi, the 30th Sept., '46.

N O T I C E.

Subject:- Allotment of Residential Accommodation in New Delhi to the ~~Members of the~~ Constituent Assembly.

In continuation of this office circular No. 4577-E.O.(I), dated the 8th August 1946, fixing the date of receipt of applications as the 20th August 1946 and the date of ballot as the 24th August, 1946, Members are informed that due to postal strike and other disturbances in the country the date for the receipt of applications was extended to the 26th August 1946 and subsequently to the 1st of September 1946. Now that the Meeting of the Constituent Assembly is expected to commence about the beginning of December 1946, it has been decided

that.....

that the allotment of accommodation to the Members be deferred until about the middle of November 1946. Such Members who have not yet sent their applications are requested to kindly send the same by the 10th of November 1946.

(G.T. MESHRAM)
ESTATE OFFICER.

To

M. R. Jayakar Esq.,
Member Constituent
Assembly,
Congress House,
Vithalbhai Patel Rd
Bombay 4.

DAYAL:
30.9.46.(400Cs.)-D.

CONSTITUTIONAL ADVISER

D.O. No. CA/812-Cons/46.

New Delhi,
October 8, 1946.

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My dear Dr. Jayakar,

Many thanks for your letter of October 3. My office has instructed the Manager of Publications, Delhi, to send to you by V.P.P. a copy of the Manual of Business and Procedure in the Central Legislative Assembly. The rules of procedure for the Constituent Assembly will of course have to be settled by that Assembly itself, though I expect that they will follow in several respects the Rules and Standing Orders of the Central Legislature.

With kindest regards,

Yours sincerely,
B. Narsing Rau

Read
11/10/46

The Rt. Hon'ble Dr. M.R. Jayakar,
Winter Road,
Malabar Hill,
Bombay.

DEWAN OF TRAVANCORE

(Private & Confidential)

BHAKTIVILAS
TRIVANDRUM.

9th October 1946.

My dear Dr. Jayakar,

I read your letter of the 3rd instant with the most lively satisfaction. It has been very heartening to realise that you and I are of exactly the same mind regarding the present tendencies and Mr. Jinnah's potentialities. So far as an outsider can judge, the Delhi parleys will result in a patched-up compromise, which will weaken the forces of nationalism. Mahatma Gandhi however is inscrutable and I am afraid that his insistence from outside on taking part in political and industrial matters is one of the most disturbing features of the present situation. I am hoping however that a re-alignment of the forces will be possible during the sessions of the Constituent Assembly and I am looking forward to whole-hearted co-operation with you in the tremendous tasks that lie ahead of us.

With kindest regards,

I am,
Yours sincerely,

C S Ramaswami Aiyar

The Rt. Hon. Dr. M.R.Jayakar,
"Ashram", Winter Road,
Malabar Hill, Bombay.

MADE IN TRAVANCORE

Circular No. CA 2/Ser/46.

CONSTITUENT ASSEMBLY OF INDIA

To

All Members of the Constituent Assembly of India.

New Delhi, the ~~20th~~ 21st October 1946

SUBJECT :—*Travel and other facilities for members of the Constituent Assembly*

Sir,

With a view to relieve you from unnecessary trouble, as far as possible, in making arrangements for your journeys to and from Delhi for meetings of the Constituent Assembly, we have arranged with MESSRS. GOVAN BROTHERS, LTD., SCINDIA HOUSE, CONNAUGHT CIRCUS, NEW DELHI, to act as our official travel agents for the purchase of tickets, reservation of accommodation in trains and air services, etc.

2. They will also receive Members at the stations, if desired, and provide transport from the station to the place of residence and *vice versa* ; arrange sight seeing trips and provide transport for other purposes in Delhi.

For performing the duties mentioned above in Delhi, they will station a trained man a few days before the Assembly session starts, and till a few days afterwards, at Constitution House (where the bulk of the Members are expected to choose to stay) in order to be in direct touch with the Members and the management of Constitution House.

They will not make any extra charges for all these Services. Members will only have to pay the actual cost of the transport provided.

3. Members who desire to avail themselves of the facilities mentioned above are advised to contact in good time the Head Office of Messrs. Govan Brothers, Ltd., or any of their branch offices at the addresses given below, so that arrangements for their travel, reception, etc., may be made well in advance :—

NEW DELHI . .	Messrs. Govan Bros. Ltd., Passage Deptt., Head Office, Scindia House, Connaught Circus. Telegrams : ' GOVBRO '. Telephone : 7682.
MADRAS . .	Messrs. Govan Bros. Ltd., Passage Deptt., Bharat Buildings, Mount Road. Telegrams : ' GOVBROS '. Telephone : 3745.
BOMBAY . . .	The American Express Company, Inc., Travel Dept., " Navsari Building ", (I Floor), 240, Hornby Road, Post Box No. 507. Telegrams : " AMEXCO ". Telephone : 25295.
CALCUTTA . . .	The American Express Company, Inc., Travel Dept., P. O. Box No. 2311, " Pollock House ", 28, Pollock Street. Telegrams : " AMEXCO ". Telephone : 2096.
KARACHI . . .	The American Express Co., Inc., Travel Dept., P. O. Box No. 533, " Oriental Building ", McLeod Road. Telegrams : " AMEXCO ". Telephone : 3461.
LAHORE . . .	Messrs. Govan Bros. Ltd., 3, Sir Ganga Ram Trust Building, The Mall. Telegrams : "GEOFMANCO" Telephone : 2988.

4. The Railway Department (Railway Board) have suggested that it would facilitate the work of the various Railway Administrations if the authorities concerned are given advance notice for reservation of accommodation on railways in good time, and that in case any difficulty is experienced in securing accommodation, the matter should at once be reported to the General Manager of the Railway concerned in the first instance, instead of through the office of the Constitutional Adviser or the Railway Board. This will eliminate delay and permit prompt action being taken to remedy defects.

5. The Railway Administrations have been asked by the Railway Board to extend in your favour the period in advance of the actual date of travel within which tickets may be purchased to 30 days, so as to enable you to secure early reservation.

I have the honour to be,

Sir,

Your obedient servant,

H. V. R. IENGAR,

Secretary, Constituent Assembly

GIPD—S1—30 CA—18-10-46—500.

103 Park Lane
London, W.1.

No. CA/40-Gen/46.
OFFICE OF THE CONSTITUTIONAL ADVISER,

47

Council House,
New Delhi, the 6th Novr.'46.

From

Khan Bahadur S.G. Hasnain,
Under Secretary.

To

All Members of the Constituent Assembly.

48

Subject:- Admission of visitors to the Galleries of the Constitution Hall.

Sir,

As you are aware, the Constituent Assembly is likely to hold its first meeting on the 9th December 1946. The question of admitting the press and the general public to its meetings is however for the most part a matter for the Assembly itself to decide, and its Chairman will no doubt frame rules in this behalf. These rules can naturally apply only to its 2nd and subsequent meetings.

2. For the first meeting of the Assembly, however, it is proposed to admit a very limited number of visitors who are personally known to Members of the Assembly and I am to request that, if you so wish, you may forward to this Office applications in the form enclosed for the admission of persons known and trusted by you by the 30th November 1946 latest.

3. I am to make it clear that the number of seats to be allotted is very limited and that no assurance can be given that your nominee or nominees will necessarily be provided for.

I have the honour to be,
Sir,
Your most obedient servant,

S.G. Hasnain

(S.G. HASNAIN)
UNDER SECRETARY.

G.

CONSTITUENT ASSEMBLY OF INDIA.

FORM OF APPLICATION FOR ADMISSION CARDS FOR VISITORS

To

THE SECRETARY,
CONSTITUENT ASSEMBLY OF INDIA.

Dated *194*

SIR,

Please send me an admission card for the person named below for the meeting of the Constituent Assembly of India to be held on the

*1. Name in full (Not initials) :—

*2. Profession :—

3. Permanent Address and Province :—

4. Delhi address :—

The above person is known to me personally or has been introduced to me by who has been known to me personally.

I have the honour to be,
SIR,
Your most obedient servant,

Member of the Constituent Assembly of India.

*1. This application will not be accepted if the particulasr equired above are not supplied *in full*.

2. In the case of ladies their full name and profession need not be given provided that in the case of married ladies their husband's full name and profession and for other ladies full name and profession of the person with whom they ordinarily reside are also given along with their usual names.

APPLICATION FOR SUPPLEMENTARY FUEL RATION.

DELHI RATIONING

—— :o: ——

Full name of head of family.....
(in block letters)

Postal address.....

S. No. of his Food Ration Card.....

No. of members in family.....

S. Nos. of Food Ration Card's of members of family.....

.....

Number of living rooms in the house*.....

I hereby declare that the information given above is correct.

Date.....

Signature of applicant
(Head of Family)

* Excluding such rooms as bathroom, separate kitchens, dressing rooms etc.

No. CA/3/Sor/46.

OFFICE OF THE CONSTITUTIONAL ADVISER

COUNCIL HOUSE,
NEW DELHI
1st *November* 1946.

FROM

KHAN BAHADUR S. G. HASNAIN,
Under Secretary.

TO

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

SUBJECT:—*Ration Cards for Delhi.*

SIR,

In order to minimise inconvenience to Members, I am directed to state that the following arrangements have been made with the Controller of Rationing, Delhi, for the issue of Food Ration Cards and Fuel Permits to Members attending the forthcoming session of the Constituent Assembly who want to make their *own* cooking and living arrangements and will *not* be staying in Constitution House or other Government hostel or private hotel :—

1. FOOD RATION CARDS

(*i*) Members will be required to fill in and sign the application form (Form 'A' enclosed), in advance of their arrival in Delhi and return it to this Office for transmission to the Circle Rationing Officer.

(*ii*) Members should be careful to fill in all the required particulars in the form and give their *full names and correct Delhi addresses.*

(*iii*) The Circle Rationing Officer will arrange to get the Ration Cards prepared and send them to this Office for delivery to Members.

(*iv*) On arrival in Delhi Members will be required to call at this Office to take over, and sign for, the Ration Cards, or when this is not possible, to send a reliable person, with a *written authority*, to do so on their behalf.

(*v*) Members are informed that it is permissible to bring one Week's ration of rationed commodities, *viz.*, Rice, Atta and Sugar, with them, and they are advised to do so to avoid inconvenience on their arrival in Delhi.

(*vi*) Members, who will obtain their requirements of rationed articles from an authorized establishment, such as a catering institution, hotel, restaurant, etc., need not apply for ration cards for themselves, but they must do so for their servants accompanying them, who will have to make their own arrangements.

2. FUEL PERMITS:

(*i*) Members desiring to have fuel permits may kindly give their full names and Delhi addresses, and sign the enclosed application for fuel ration (other particulars will be filled in by the Rationing Authorities) and return it to this office for transmission to the Circle Rationing Officer who will arrange to get the fuel permits prepared and send them to this office for delivery to Members.

(*ii*) Fuel will be available at the shops noted on the permits against payment. The following are the fuel shops in the neighbourhood of the residences for the Members :—

(*i*) M/S Moolchand Uday Ram,
F. R. D. 262. (Behind Western Court,
New Delhi).

(*ii*) M/S Mahabir Coal Co.,
F. R. D. 252. (Bengali Mall Market,
New Delhi).

Unless indicated otherwise, the Circle Rationing Officer will mark these permits on one of these shops. Should any Member desire to purchase his fuel from any fuel dealer he may mention the name and the No. of the fuel dealer and the permit will be marked on such a dealer.

(*iii*) The quota of fuel fixed for each member per month is 10 maunds fire wood, 2 maunds charcoal, 6 maunds soft coke and 2 maunds steam coal. This is the maximum quota available to each member, and they may take the whole or any part of it according to their requirements. It will not be possible to surrender one form of fuel and take another. If in a special case, larger quantities are required you may kindly forward an application which will be transmitted to the Circle Rationing Officer. In the application reasons for which larger quantities are required should be shown.

(*iv*) Permits for fuel will not be issued to Members residing in hotels, and their servants shall make their own arrangements to get fuel from the nearest fuel dealer on production of their Ration Cards, in the ordinary way.

3. At present, arrangements have been made for the ration cards to be valid up to the 136th week of rationing ending on the midnight following the 5th January 1947. If any Member is required to stay beyond 5th January 1947, he may kindly inform this office for making necessary arrangements to get such Ration Cards from the Circle Rationing Officer. It is requested that such intimation should be sent as early as it becomes clear to the Member that he proposes to stay beyond the 5th January 1947.

4. Ration Cards and fuel Permits *must be returned* to this office by the Members before they leave Delhi.

5. Should any Member require any further assistance in this matter of procuring rationed commodities, he may either write to this office or ring up the Deputy Controller of Rationing on telephone No. 6685. The telephone No. of the Circle Rationing Officer No. 15 is 7196.

I have the honour to be,
SIR,
Your most obedient servant,
S. G. HASNAIN,
Under Secretary.

Encl. 2

GIPD—M—50 Con. Adv.—7-11-46—500.

WARNING—It is an offence punishable with imprisonment and/or fine to make **FALSE STATEMENTS IN THIS APPLICATION.**

FORM B.

APPLICATION FOR TEMPORARY RATION CARD.

Circle No...

Serial No...

1. I (Name in block letters).....

apply for (a) ration card(s) for the person(s) named in column 3.

2. I/we reside in { Rationing Circle No..... Block..... / Street..... House No / Road Block

3. (Give names of all persons for whom ration cards quired

Full Name* with father's or husband's† name (in block letters).	Permanent address outside Delhi.	Age	Relationship to head of Family.	Date of arrival.	Probable date of departure.	Occupation.

Initials will not be accepted

† Not necessary where a family name (surname) is in use.

P. T. O.

FORM B. COUNTERFOIL.

Circle No.....

Serial No.....

Name of applicant

Address in Delhi.....

4. Name of head of family with whom staying..... .....and

Serial No..... .....and Code No..... of his ration card.

I SOLEMNLY AFFIRM THAT THE INFORMATION SET OUT ABOVE IS TRUE.

Date..... .....194 Signature..... .....

Date of receipt in Rationing Office.....194 A.M. / P.M.

Date applicant asked to appear for ration cards.....194 A.M. / P.M.

Report of the Enquiry Officer .....

(a) Place where enquiry made....

(b) From whom made..... .....

(c) Time and date when enquiry made.. .....

(d) Result.

Signature of Enquiry Officer.

Serial No of temporary ration cards issued, if any..... .....

RECEIVED THE CARD(S).

.....

Initials of delivering Officer.

Signature.....

Dated.....194

Date.....

Card Index Section's Report .....

Order of the Rationing Officer (Documents)... .....

This counterfoil should be produced at the following office on.....194 A.M. / P.M.

Signature of the Counter Clerk.....

Date..... 194

Stamp of Circle Rationing Office.

MR Jaipalan Rd 25.11.46

List of Members of the Constituent Assembly

49

(Showing Permanent Addresses)

(The 1st October, 1946)

N.B.*—It is requested that any alteration required in this List may be communicated to the *Under Secretary, Constituent Assembly, Council House, New Delhi.

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SECTION A—190

(1) Madras—49

General—45

1. Sri O. V. Alagesan,
c/o The Hon'ble Sri M. Bhaktavatsalam,
No. 1, Tank Road, Nungambakkam, Madras.

2. Shrimati Ammu Swaminathan, M.L.A. (Central),
'Gilchrist', Harrington Road, Chetput, Madras.

3. Sri M. Ananthasayanam Ayyangar, M.L.A. (Central),
Chittoor.

4. Sri K. Chandramouli, M.L.A.,
Moparru, Tenali Taluk, Guntur District.

5. Shrimati Dakshayani Velayudan, M.L.C. (Cochin),
~~Ernakulam, Cochin State.~~
7, Woods Road, Madras—2.

6. Shrimati G. Durgabai,
'Dwaraka', Royapettah High Road, Mylapore, Madras.

7. Sri B. Gopala Reddi, M.L.A.,
'Sudarsana Mahal', Nellore.

8. The Hon'ble Diwan Bahadur Sir N. Gopalaswami Ayyangar,
Nanga Parbat, 90, St. Mary's Road,
Teynampet, Madras.

9. Sri D. Govinda Doss, M.L.A.,
Alur, Bellary District.

10. Rev. Jerome D'Souza, S. J.,
Principal, Loyola College, Nungambakkam, Madras.

11. Sri P. Kakkan, M.L.A.,
Melur, Madura District.

12. Sri K. Kamaraja Nadar, M.L.A.,
President, Tamilnad Congress Committee, No. 8, Narasingapuram St.,
Mount Road, Madras.

13. Sri V. C. Kesava Rao,
No. 20, Ponnappa Mudali Street, Vepery P. O., Madras—7.

14. Sri T. T. Krishnamachari,
Edward Elliot's Road, Mylapore, Madras.

15. Diwan Bahadur Sir Alladi Krishnaswami Ayyar,
Luz Church Road, Mylapore, Madras.

16. Sri L. Krishnaswami Bharathi,
165, West Masi Street, Madura.

17. Sri P. Kunhiraman,
Tellicherry.

18. Sri K. Madhava Menon, M.L.C.,
Chalapuram Post, Calicut.

19. Sri V. I. Muniswami Pillai, M.L.A.,
'Sath Vilas', Ootacamund.

20. Kumararaja Sir M. A. Muthiah Chettiyar, M.L.A.,
'Chettinad House', Adyar, Madras.

21. Sri V. Nadimuthu Pillai,
President, District Board, Tanjore.

22. Sri S. Nagappa, M.L.A.,
Fort, Kurnool.

23. Sri P. L. Narasimha Raju, M.L.A.,
Jonnavalasa, Vizianagaram, Vizagapatam District.

24. Dr. B. Pattabhi Sitaramayya,
Masulipatam, Kistna District.

25. Sri C. Perumalswami Reddi, M.L.C.,
Chithathurai Village, Devikapuram P. O., Polur Taluk,
N. Arcot District.

26. The Hon'ble Sri T. Prakasam,
'Cooum House', Government House,
Mount Road, Madras.

27. S. H. Prater, Esq., O.B.E., J.P., C.M.Z.S., M.L.A. (Bombay),
2nd Floor, Ravindra Mansion, Dinshaw Wacha Road,
Church Gate Reclamation, Bombay.

28. Raja of Bobbili,
Bobbili, Vizagapatam District.

29. The Hon'ble Sri C. Rajagopalachariar,
Bazululla Road, Thyagarayanagar P. O., Madras.
(1, Clive Road, New Delhi).

30. Sri T. A. Ramalingam Chettiyar, M.L.A. (Central),
Race Course Road, Coimbatore.

31. Sri Ramanath Goenka,
Proprietor, 'Indian Express', Mount Road, Madras.

32. Sri O. P. Ramaswami Reddiyar, M.L.C.,
Omandur P. O., Via Tindivanam, South Arcot District.

33. Professor N. G. Ranga, M.L.A. (Central),
Nidubrolu, Bapatla Taluk, Guntur District.

34. Sri N. Sanjeeva Reddi, M.L.A.,
Illur, Pamidi P. O., Anantapur District.

35. Sri K. Santhanam,
Joint Editor, 'Hindustan Times', New Delhi.

36. Sri B. Shiva Rao,
No. 4, Hardinge Avenue, New Delhi.

37. Sri H. Sitarama Reddi, M.L.A.,
Bellary.

38. Sri U. Srinivasa Mallayya,
Mangalore, South Kanara District.

39. Dr. P. Subbarayan,
(1) Whites Garden, Whites Road, Royapettah, Madras,
(2) Tiruchengode, Salem District.

40. Sri C. Subrahmanyam,
Coimbatore.

41. Dr. V. Subrahmanyam,
North Chitra Street, Srirangam, Trichinopoly District.

42. Sri M. C. Veerabahu Pillai,
Tuticorin.

43. Sri P. M. Velayudapani, M.L.A.,
32, Sadayappa Maistri Street, G. T. Madras.

44. Sri Kala Venkata Rao, M.L.A.,
Amala Puram, Godavari East.

45. T. J. M. Wilson, Esq., M.L.A.,
Masulipatam.

Muslim—4

46. Haji Abdul Sathar Haji Ishaq Sait, M.L.A. (Central),
Bazar, Tellicherry, Malabar District.

47. K. T. M. Ahmed Ibrahim Sahib Bahadur, M.L.C.,
Kothamalli Mal Street, Tirunelveli Peti, Tinnevelly.

48. Mahaboob Ali Baig Sahib Bahadur, M.L.A.,
Bezwada.

49. B. Poker Sahib Bahadur, M.L.A.,
(1) Tellicherry, North Malabar.
(2) 3/54, Royapettah Bazar High Road, Royapettah, Madras.

(2) Bombay—21

General—19

50. Bhalchandra Maheshwar Gupte, Esq., M.L.A.,
410—Shanwar Peth, Poona City.

51. Mrs. Hansa Mehta, M.L.C.,
Khambatta Hall, 16, Altmount Road, Cumballa Hill, Bombay—6.

52. Hari Vinayak Pataskar, Esq., M.L.A.,
Chalisgaon, East Khandesh (Bombay Presidency).

53. The Rt. Hon'ble Dr. M. R. Jayakar, P.C.,
"Ashrama", Winter Road, Malabar Hill, Bombay. 96

54. Dr. Joseph Alban D'Souza, M.L.A.,
138-A, Dr. Viegas Street, Bombay 2.

55. Kanayalal Nanabhai Desai, Esq., M.L.A.,
President, Gujrat Congress Committee, Surat.

56. Keshavarao Marutirao Jedhe, Esq.,
Jedhe Mansion, Shukrawar Peth, Poona City.

57. Khandubhai Kasanji Desai, Esq.,
c/o Textile Labour Association, Lal Dawaja, Ahmedabad.

58. The Hon'ble Mr. B. G. Kher,
Secretariat, Poona/Bombay.

59. M. R. Masani, Esq., M.L.A. (Central),
7, Altamount Road, Bombay—26.

60. K. M. Munshi, Esq.,
Hemchand Mohanlal Building, 26, Ridge Road, Malabar Hill,
Bombay.

61. Narhar Vishnu Gadgil, Esq., M.L.A. (Central),
419, Shanwar Peth, Poona City 2.

62. S. Nijalingappa, Esq.,
c/o Karnatak Provincial Congress Committee, Hubli.

63. S. K. Patil, Esq.,
c/o Congress House, Vithalbhai Patel Road, Girgaon, Bombay—4.

54. Ramchandra Manohar Nalavade, Esq., M.L.A.,
Wadju (Taluka Khatav), District Satara.

65. Ranganath Ramachandra Diwakar, Esq.,
c/o Samyukta Karnatak, Hubli, District Dharwar (Bombay).

66. Shankar Dattatraya Deo, Esq.,
Shivaji Nagar, Mohanlal Bungalow, Poona—5.

67. Shantaram Nanasaheb Mane, Esq., M.L.A.,
Kodni, Taluka Chikodi, Distt. Belgaum (Bombay).

68. The Hon'ble Sardar Vallabbhai J. Patel,
68, Marine Drive, Bombay.
(1, Aurangazeb Road, New Delhi).

Muslim—2

69. Abdul Kadar Mohmad Shaikh, Esq., M.L.A.,
Sachin House, Sagarampura, Surat.

70. The Hon'ble Mr. Ismail Ibrahim Chundrigar,
7, Abid House, Opp. Police Station, Lamington Road, Bombay.
(5, Queen Victoria Road, New Delhi).

(3) United Provinces—55

General—47

71. Shri Ajit Prasad Jain, M.L.A.,
Ambala Road, Saharanpore.

72. Shri Algu Rai Shastri, M.L.A.,
Azamgarh (U. P.).

73. Shri Balkrishna Sharma, M.L.A. (Central),
"Pratap" Office, Cawnpore.

74. Shri Banshi Dhar Misra, M.L.A.,
Mohalla Misrana, Lakhimpurkheri.

75. Shri Bhagwan Din, M.L.A.,
96/94, Chunnigunj, Cawnpore.

76. Shri Damodar Swarup Seth, M.L.A. (Central),
President, United Provinces Congress Committee, Lucknow.

77. Shri Dayal Das Bhagat, M.L.A.,
76/365, Coolie Bazar, Cawnpore.

78. Shri A. Dharam Das, M.L.A.,
Bisheshwar Nath Road, Lucknow.

79. Shri Dharam Prakash,
Jatavpura, Bareilly.

80. **Shri R. V. Dhulekar, M.L.A.,**
Toria, Narsingh Rao, **Jhansi.**

81. **Shri Feroze Gandhi,**
"Anand Bhawan", Allahabad.

82. **Shri Gopal Narain, M.L.A.,**
Neri House, Civil Lines, Sitapur.

83. **Shri Gopi Nath Srivastava,**
Sherwali Kothi, Nazarbagh, Lucknow.

84. **The Hon'ble Pt. Govind Ballabh Pant,**
Naini Tal.

85. **Shri Govind Malaviya, M.L.A. (Central),**
Lanka, Benares.

86. **Shri Har Govind Pant, M.L.A.,**
Mohalla Pokharkhalli, Almora.

87. **Shri Harihar Nath Shastri, M.L.A.,**
Gwaltoli, Cawnpore.

88. **The Hon'ble Pt. Hirday Nath Kunzru,**
George Town, Allahabad.

89. Raja Jagannath Bakhsh Singh, M.L.A.,
Taluqdar, Rahwan, District Rae Bareilly.

90. Shri Jaspat Roy Kapoor,
Sheetla Street, Agra.

91. The Hon'ble Pandit Jawahar Lal Nehru,
'Anand Bhawan', Allahabad.
(17, York Road, New Delhi).

92. Sardar Jogendra Singh, M.L.A. (Central),
Bhinga, Bahraich District.

93. Acharya Jugal Kishore, M.L.A.,
United Provinces Legislative Congress Party Office,
Council House, Lucknow.

94. Sir Jwala Prasad Srivastava, K.C.S.I., K.B.E.,
"Kailash", Civil Lines, Cawnpore.

95. The Hon'ble Dr. Kailas Nath Katju,
Lucknow.

96. Shrimati Kamla Chaudhri,
Mahila Congress Committee, Meerut.

97. Shri Kamlapati Tiwari, M.L.A.,
"Sansar" Office, Mohalla Gheehatta, Benares.

98. Shri Khurshed Lal,
Lytton Road, Dehra Dun.

99. Acharya J. B. Kripalani,
"Swaraj Bhawan", Allahabad.

100. Shri Maheshwar Dayal Seth, M.L.C. of Kotra,
Jopling Road, Lucknow.

101. Shri Masuria Din, M.L.A.,
135, Katra, Allahabad.

102. Shri Mohan Lal Saksena, M.L.A. (Central),
Aminuddaula Park, Lucknow.

103. Sir Padampat Singhania,
Kamla Tower, Cawnpore.

104. Shri Phool Singh, M.L.A.,
Saharanpur.

105. Shri Pragi Lal, M.L.A.,
Durgapura P. O., District Sitapur.

106. Mrs. Purnima Banerji, M.L.A.,
George Town, Allahabad.

107. The Hon'ble Shri Purushottam Das Tandon,
Lucknow.

108. Sir S. Radhakrishnan,
Vice-Chancellor, Hindu University, Benares.

109. Shri Ram Chandra Gupta, M.L.C.,
Chandra Bhawan, Singi Gali, Agra.

110. Shri Shibban Lal Saksena,
Ghugli, Gorakhpur District (U.P.)

111. Pandit Shri Krishna Dutt Paliwal, M.L.A. (Central),
3, Vijaynagar Colony, Agra.

112. Shri Sri Prakasa, M.L.A. (Central),
"Sevashram", Benares.

113. Shrimati Sucheta Kripalani,
"Swaraj Bhawan", Allahabad.

114. Shri Sunder Lall,
Chukkhu Mohalla, Dehra Dun.

115. Shri Venkatesh Narayan Tivary, M.L.A.,
(1) Councillors' Residence, Abbott Road, Lucknow.
(2) 95, Pura Baldi, Kydgunj, Allahabad.

116. The Hon'ble Mrs. Vijaya Lakshmi Pandit,
"Anand Bhawan", Allahabad.

117. Shri Vishwambhar Dayal Tripathi, M.L.A.,
Unao. (U. P.).

Muslim—8

118. Begum Aizaz Rasul, M.L.C.,
Sandila, District Hardoi.

119. Maharajkumar Amir Haider Khan of Mahmudabad, M.L.A.,
'Mahmudabad House', Lucknow.

120. Aziz Ahmad Khan, Esq., M.L.A.,
Mohalla Qila, Bareilly.

121. Maulana Hasrat Mohani, M.L.A.,
44/72, Ahata Kamal Khan, Moolganj, Cawnpore.

122. Chaudhri Khaliquzzaman, M.L.A.,
Khyaliganj, Lucknow.

123. Nawab Muhammad Ismail Khan, M.L.A. (Central),
210-A, Sadar Bazar, Mustafa Castle, Meerut.

124. The Hon'ble Mr. Rafi Ahmad Kidwai,
Councillors' Residence, Abbott Road, Lucknow.

125. **S. M. Rizwan Allah, Esq., M.L.A.,**
Mohalla Jafra Bazar, **Gorakhpur.**

(4) Bihar—36

General—31

126. **Amiyo Kumar Ghosh, Esq., M.L.A.,**
Daltonganj, Palamau.

127. **The Hon'ble Mr. Anugrahnarayan Sinha,**
Kadamkuan, **Patna.**

128. **Banarsi Prasad Jhunjhunwala, Esq., M.L.A. (Central),**
Bhagalpur.

129. **Bhagwat Prasad, Esq., M.L.A.,**
Sunderpur, P. O. Balochak, District Monghyr.

130. **Boniface Lakra, Esq., M.L.C.,**
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295. Maulavi Abdul Matin Chaudhury, M.L.A., Shillong.

296. Maulavi Saiyid Sir Muhammad Sáadulla, K.C.I.E., M.L.A., Shillong.

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YOU ARE ALLOTTED SUITE NO 26 WESTERN COURT FOR PREVLIMANARY SESSION

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CONSTITUENT ASSEMBLY OF INDIA

D.O. No. CA/40/Asy/46.

Office of the Constitutional Adviser,
Council House,
New Delhi. the 20th November, 1946.

DEAR SIR,

In pursuance of paragraph 21 of the Statement made by the Cabinet Delegation and His Excellency the Viceroy on the 16th May, 1946, the Provincial Legislatures have elected their representatives to the Constituent Assembly. I am now, under His Excellency the Viceroy's instructions, to request you as a member of the Constituent Assembly to attend its first meeting which will be held at 11 A.M. on the 9th December, 1946, at the Constituent Assembly Chamber in the Council House, New Delhi.

Yours sincerely,

(H. V. R. IENGAR)
Secretary.

NO. CA/34/Gen/46.
OFFICE OF THE CONSTITUTIONAL ADVISER,

Council House,
New ~~Delhi~~, the 26th November, 1946.

To

ALL MEMBERS of the Constituent Assembly.

52

SUBJECT: Handbook for Members of the Constituent Assembly.

Sir,

I am directed to forward herewith a copy of the 'Handbook' prepared in this office for the use and guidance of members of the Constituent Assembly.

I have the honour to be,
Sir,
Your most obedient servant,

(S.G. HASNAIN)
Under Secretary.

HANDBOOK

FOR

MEMBERS

OF THE

Constituent Assembly

PRINTED BY THE MANAGER,
GOVERNMENT OF INDIA PRESS, NEW DELHI
1946

Handbook for Members of the Constituent Assembly

1. Composition.—The Constituent Assembly consists at present of 296 members made up as follows :—

BRITISH INDIA

SECTION A

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provi	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
	167	20	187
Delhi			1
Ajmer-Merwara			1
Coorg			1
TOTAL			190

SECTION B

Province	General	Muslim	Sikh	Total
Punjab	8	16	4	28
N. W. F. P.	0	3	0	3
Sind	1	3	0	4
	9	22	4	35
British Baluchistan				1
TOTAL				36

SECTION C

Provi	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
TOTAL	34	36	70
Total for British India			=296

The number of representatives from Indian States is anticipated to be 93. The total number of members will therefore be 389.

2. Accommodation.—Residential accommodation is provided in both New Delhi and Old Delhi as per details given below :—

		Number available.
Constitution House, Curzon Road, New Delhi.		
Double Suites	One bed room, one sitting room bath room	13
Single Suites	One room, one bath room	27
Single Suites	One room, and one bath room for every two suites	162
Western Court, New Delhi.		
Double Suites	One bed room, one sitting room and one bath room	7
Single Suites	One bed room, and one bath room	23
Kotah House, New Delhi.		
Double Suites	One bed room, one bath room and glazed verandah	
Pataudi House, New Delhi.		
Double Suites	One bed room, one bath room and glazed verandah	10
Single Suites	One bed room and one bath room	10

NOTE.—Messing in Government Hostels is compulsory and no private cooking is permitted.

	Number available
Imperial Hotel, New Delhi.	
Single Rooms	5
Double Rooms	10
Marina Hotel, New Delhi.	
Single Suites	
Double Suites	
Maidens Hotel, Old Delhi.	
Single Rooms	22
Double Rooms	20
Swiss Hotel, Old Delhi.	
Single Rooms (in cottages)	10
Double Rooms	19
Cecil Hotel, Old Delhi.	
Single Rooms	8
Double Rooms	20
M.L.A. Quarters	80

NOTE.—Members to whom these quarters may be allotted and who are not members of the Central Legislature are liable to be asked to vacate these quarters during the sessions of the Houses of the Central Legislature.

3. Arrival at Delhi.—Members are requested to give an early intimation of the date on which they propose to arrive in Delhi and to intimate their residence and telephone number, if any, to the Under Secretary, Office of the Constituent Assembly, Council House, New Delhi.

NOTE.—Arrangements have been made to provide Air Priority Passages for the convenience of the members of the Constituent Assembly in case they desire to avail of it. Members who are required to travel by air may either write to the office of the Constituent Assembly or to the respective Air Priority Committee.

4. Travelling and daily allowances.

NOTE.—The following rules regarding Travelling Allowance are subject to the approval of the Constituent Assembly itself and, except to the extent indicated in those rules, the rules in the Government of India Supplementary Rules will apply.

The Members of the Constituent Assembly will be entitled to the following rates of travelling and daily allowances in respect of their journeys to attend a session of the Assembly.

(A) **Journeys by rail or steamer.**—A member of the Constituent Assembly who is required to leave his usual place of residence for the purpose of attending a meeting of the Assembly or of transacting any other business connected with his duties as a member may draw :—

Rail or steamer fares at the rate of 1 3/5th fares (calculated in the case of steamer journeys on the basis of " Without diet " fare) of the highest class of accommodation provided by rail or steamer to or from the place where the Assembly meets or other business is transacted.

NOTE 1.—For the purpose of calculating mileage allowance a journey between two stations is held to be performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.

As a partial exception to this note :—

(*a*) A member who comes from the Madras Presidency for whom the route *via* Arkonam is the shortest is allowed to draw travelling allowance *via* Madras instead of *via* Arkonam provided that he actually travels *via* Madras.

(*b*) A Member who comes from the Province of Assam is entitled to draw travelling allowance *via* Calcutta instead of by the shortest route provided he actually travels *via* Calcutta.

(*c*) A Member who comes from Madras Presidency and who actually travels *via* Bombay may be granted the actual difference between single first class fare *via* Bombay and that by the shortest route in addition to the 1 3/5th railway fares by the shortest route. This concession will be withdrawn as soon as a first class restaurant car is provided on the Grand Trunk Express.

NOTE 2.—A member who proceeds to attend a session of the Assembly from a place other than his usual place of residence or returns thereto on the termination thereof may draw T. A. to and from the place at which the Assembly meets or other business is conducted either from or to the place where he actually makes the journey or to his usual place of residence whichever is less.

NOTE 3.—A member who is allowed free transit by rail shall be entitled to draw 3/5ths of the first class fare for the journey.

(B) **Journeys by road.**—Road mileage at the rate of annas eight per mile for such part of the journey as cannot be performed by rail or steamer including the journey from and to the railway station or place of embarkation or disembarkation to and from the member's residence at the place where the Assembly meets or the other business is conducted.

NOTE.—A member who performs a journey by road between places connected by rail or steamer either wholly or in part may draw mileage allowance at the rate of annas eight per mile provided that the total amount so drawn is limited to what would have been admissible had the member travelled throughout by rail or steamer in the ordinary way.

(C) **Journeys by air.**—Except in the case of intermediate journeys which will be governed by Rule 8, a member who performs a journey by air can draw only the T. A. to which he would be entitled if he had travelled by rail, road or steamer.

(D) **Daily allowance.**—A daily allowance of Rs. 30 (Rupees thirty) *per diem* for each day of residence at the place where the Assembly meets or the other business is transacted until the close of the session or the completion of the other business including residence not exceeding three days before the commencement of the session and after its close, and not exceeding two days before the commencement of the other business and after its close.

NOTE.—The allowance is admissible for the day of arrival if a member arrives in the forenoon and for the day of departure if a member departs in the afternoon.

5. (i) **Conveyance allowance.**—A member will draw a conveyance allowance of Rs. 15 (Rupees fifteen) *per diem* for the periods he draws daily allowance under para. 4 (D) above.

(ii) **Journey where the means of conveyance are supplied without charge.**—A member who performs a journey or part thereof in a conveyance provided at the expense of the Government or a Local Fund or an Indian State shall only be entitled to draw a daily allowance of Rs. 10 (Rupees ten) *per diem* for any day not less than six hours of which have been occupied in performing such journey or part thereof.

NOTE.—The term "day" means a calendar day beginning and ending at midnight.

6. Admissibility of transportation charge of motor cars.

(a) A member who transports his motor car from his usual place of residence for the purpose of attending a session of the Constituent Assembly at New Delhi may, in lieu of the conveyance allowance of Rs. 15 *per diem*, draw—

(i) free haulage by passenger train or steamer at owner's risk of a motor car from the station nearest to his usual place of residence to New Delhi and back *by the cheapest route* once during a session ;

NOTE 1.—Haulage does not include demurrage, charges for special covered trucks, octroi or any other like charges but includes in the case of transport by steamer, incidental charges such as wharf, river or port dues and loading and unloading charges.

NOTE 2.—A member attending the session from Assam may draw haulage charges *viâ* Naihati and Bandel instead of by the cheapest route provided he actually brings his conveyance by the above route.

(ii) a third class fare by passenger train or a fare of the lowest class by steamer for a chauffeur or a cleaner (but not for both) ;

(iii) an allowance of two annas per mile between station connected by rail or steamer in cases where he elects to send his motor car by road instead of by rail; and

(iv) a petrol allowance at the rate of Rs. 75 per mensem for the period he is entitled to draw the daily allowances in cases where he resides outside New Delhi and elects for free haulage.

(b) A claim for the haulage of a motor car by rail or steamer should be supported by a railway or steamer Company's receipt. A cash receipt should invariably be obtained in cases where the original receipt has been surrendered. In the event of loss of such a receipt and in cases where the production of such a receipt, if insisted on, is likely to involve undue delay and trouble to the member, a certificate to the effect that the amount claimed is not more than the expenses actually incurred should be furnished.

(c) As a measure of economy, a member intending to transport his motor car both ways by train or steamer should purchase return tickets, where available. He will be reimbursed the full cost of the return tickets on presentation of the railway or steamer Company's receipt.

7. Travelling allowance for intermediate absences during a session.—For intermediate absences lasting for less than fifteen days during the course of a session or before the completion of the business, a member will be entitled to draw either (a) a single first class fare (or if the journey is performed by air, the fare actually paid for such a journey) and road mileage to the place to which he proceeds and back or (b) daily allowance for the period of absence whichever is less.

For absence of the duration of 15 days or more no allowance of any kind will be admissible.

8. Travelling allowance during intervals between the termination of a session or a committee and the commencement of another committee or session.—When there is an interval of not more than a week between the termination of the meetings of the session or a committee and the commencement of those of another session or committee at the same place both of which a member is required to attend and when such a member remains at the place during the interval he will be entitled to draw daily allowance for such period of residence.

If, however, such a member leaves the place during the interval, his absence will be treated as an intermediate absence.

9. Allowances admissible to members residing at the place where the Assembly meets.—A member who is a resident of the place at which the Assembly meets or other business connected with his duties as a member is transacted, is entitled to draw an allowance of Rs. 30 (Rupees thirty) *per diem* for the days on which he actually attends such meetings or transacts such other business.

10. Certificate in support of travelling allowance claims.—A member who claims any travelling or other allowances under these rules shall support his claim by a certificate in the following form :—

Certified that no amount has been claimed for this journey period in any bill drawn from any other source.

11. Preparation of bills.—A form showing all the particulars required will be sent to each member at the beginning and end of each session which should be filled in and returned to the Accounts Branch of the Office of the Constituent Assembly to enable it to prepare a Travelling Allowance Bill. A specimen of his signature should also accompany the form.

12. Encashment of bills.—All T. A. bills should be sent to the Accounts Branch for preaudit and payment. As soon as the bill is passed the Accounts Officer attached to Constituent Assembly will issue a cheque in favour of the Member or his bankers as endorsed on his T. A. bill. In cases where payments are required to be made at outstations after the close of the session the Accounts Officer will arrange for such payments by means of Demand Drafts. Payments at outstations are, however, not permissible during a member's stay at Delhi, but only when a member has left the station after the termination of the session without receiving payment of his bill for the return journey.

13. Situation of Chamber.—The Constitutent Assembly Chamber is situated in the Library of the Council House which is adjacent to the North Block of the Imperial Secretariat buildings in New Delhi. Access to the Assembly Chamber is obtained through the main porch on the East.

When the Assembly is sitting, members will obtain admission without any order or pass, and the attendants at the entrance will endeavour as far as possible to identify them. In order, however, to prevent the admission of intruders members are requested in the event of the attendants at any of the entrances failing to recognize them to be so good as to give their names to the attendants on request.

14. Seating of members.—Members will find their seats, which have been allotted to them, duly indicated by cards bearing their names.

15. Library.—A small nucleus Library has been set up for the use of the members of the Constituent Assembly and is housed in the lobby of the Constituent

Assembly Chamber. Permission has been obtained for the use by the members of the Constituent Assembly of the following Libraries :—

(1) Library of the Central Legislative Assembly, (2) Federal Court Library, and (3) the Imperial Secretariat Library.

16. Visitors.—Members wishing to receive their friends in the Council House may do so in the perimeter near the Council of State Chamber between rooms Nos. 26 and 27.

17. Requisitions for books and papers.—Members requiring books and official publications belonging to the different departments of the Government of India and not ordinarily placed in the Members' Library may obtain them by requisitions addressed direct to the Department concerned or through the Librarian. The books may be returned in like manner. When there is any doubt of the proper department to be addressed, the Office of the Constituent Assembly may be consulted.

18. Letters of credentials.—At the first meeting of the Assembly which a member attends, he should present a letter of credentials signed by the proper authority. After such presentation he should sign the roll of members at the place indicated.

19. Stationery.—Red embossed and plain embossed stationery bearing the Constituent Assembly Crest may be obtained on payment from the Notice Office at rates notified separately.

20. Tiffin rooms.—For the convenience of members separate tiffin rooms for vegetarians and non-vegetarians are provided in the Council House, New Delhi. They are in charge of authorised caterers and members can obtain meals and light refreshments, etc., on payment.

GIPD—S2—44CAD—23-11-46—600.

No.CA/5/ASY/46.

OFFICE OF THE CONSTITUTIONAL ADVISER.

Council House,
New Delhi, dated the 27th November, 1946.

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From

H.V.R. Iengar, Esqr., CIE., ICS.,
Secretary.

To

All Members of the Constituent Assembly.

SUBJECT:- LETTER OF CREDENTIALS.

Sir,

I am directed to request that the Letter of Credentials issued to you in token of your having been elected to the Constituent Assembly of India may kindly be brought with you for formal presentation to the Chairman at the preliminary meeting of the Assembly on the 9th December 1946 at New Delhi.

I have the honour to be,
Sir,
Your most obedient servant,

(H.V.R. Iengar.)
Secretary.

AW.

No.CA/1(4)-Ser/46

CONSTITUENT ASSEMBLY OF INDIA

Council House,
New Delhi,
the 12th December,1946.

SUBJECT:- Facility for Members-
Constitution Club.

Dear Sir/Madam,

As you were informed in my circular dated the 9th December,1946, a Club, called "Constitution Club" has been set up on Curzon Road, very near Constitution House, for the convenience of members of the Constituent Assembly.

The Hon'ble Pandit-Jawaharlal Nehru has kindly agreed to declare the Club formally open on Saturday, the 14th December,1946, at 6 P.M.

You are cordially invited to attend. Coffee will be served.

Yours faithfully,

(B.F.H.B.TYABJI)
Deputy Secretary.

To

All members of the Constituent Assembly.

SAXENA
12.12.46

COMMITTEE ON RULES OF PROCEDURE.

Chairman

The Hon'ble Dr. Rajendra Prasad.

Members.

1. The Hon'ble Mr. Jagjiwan Ram.
2. Mr. Sarat Chandra Bose.
3. Mr. Frank Anthony.
4. Dewan Bahadur Sir Alladi Krishnaswami Ayyar.
5. Bakshi Sir Tek Chand.
6. The Hon'ble Mr. Rafi Ahmad Kidwai.
7. Srimati G. Durgabai.
8. Dr. Joseph Alban D'Souza.
9. The Hon'ble Dewan Bahadur Sir N. Gopalaswami Ayyangar.
10. The Hon'ble Sri Purshottamdas Tandon.
11. The Hon'ble Srijut Gopinath Bardoloi.
12. Dr. B. Pattabhi Sitaramayya.
13. Mr. K.M. Munshi.
14. The Hon'ble Mr. Mehr Chand Khanna.
15. Sardar Harnam Singh.

PROGRAMME FOR THE MEETING OF THE CONSTITUENT ASSEMBLY.

Resumed by at 11 a.m. Krupalani

10th December, 1946.

11 A.M.

1. Presentation of credentials and signing of Register (Continued).

2. Moving of a resolution prescribing procedure for the election of the permanent Chairman.

3. The temporary Chairman announces the result of the election, if only one candidate has been nominated, or the date and time for the election, if two or more candidates have been nominated.

4. Permanent Chairman takes the chair and makes his opening speech. /This is in case there is only one candidate and he is declared duly elected./

5. Moving of a resolution adopting, with such modifications as the Chairman may in his absolute discretion permit, the rules and standing orders of the Central Legislative Assembly, pending the framing by the Constituent Assembly of its own rules of procedure.

Moved by Jawaharlal carried
Seconded by Patel

6. Moving of a resolution confirming the existing organization of the office of the Constituent Assembly, pending the final decision of the Assembly.

Moved by Jawahar Nehru
Seconded by Krupalani

7. Moving of a resolution for the appointment of a Committee on Rules of Procedure and other matters.

Moved by Krupalani

8. The temporary Chairman or the Chairman, as the case may be, announces the date and time for nominations and for the election of the members of the above Committee.

New Delhi,
The 9, December, 1946.

H.V.R. Iengar
SECRETARY.

PROGRAMME FOR THE MEETING OF THE CONSTITUENT ASSEMBLY.

Rearranged 9th at 11 a.m. Kripalani

10th December, 1946.

11 A.M.

1. Presentation of credentials and signing of Register (Continued).

2. Moving of a resolution prescribing procedure for the election of the permanent Chairman.

3. The temporary Chairman announces the result of the election, if only one candidate has been nominated, or the date and time for the election, if two or more candidates have been nominated.

4. Permanent Chairman takes the chair and makes his opening speech. /This is in case there is only one candidate and he is declared duly elected./

5. Moving of a resolution adopting, with such modifications as the Chairman may in his absolute discretion permit, the rules and standing orders of the Central Legislative Assembly, pending the framing by the Constituent Assembly of its own rules of procedure.

Moved by Jawaharlal Seconded by Pant

6. Moving of a resolution confirming the existing organization of the office of the Constituent Assembly, pending the final decision of the Assembly.

Moved by Rajendra Seconded by Kripalani

7. Moving of a resolution for the appointment of a Committee on Rules of Procedure and other matters.

Moved by Kripalani

8. The temporary Chairman or the Chairman, as the case may be, announces the date and time for nominations and for the election of the members of the above Committee.

New Delhi,
The 9th December, 1946.

H.V.R. Iengar
SECRETARY.

R E S O L U T I O N.

The Assembly hereby resolves that the following Rules for the election of Chairman be adopted:

(1) At any time before 2.30 P.M. today any member may nominate another member for election by delivering to the temporary Chairman or to a person appointed by him a nomination paper signed by the proposer and by a third member as seconder and stating

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as Chairman, if elected.

(2) At any time to be fixed by the temporary Chairman the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and if only one member has been so nominated shall declare that member to be duly elected. If more than one member has been so nominated the Assembly shall proceed to elect the Chairman by ballot on a date to be fixed by the temporary Chairman.

(3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not signed the Assembly ~~Register as members of the Assembly~~.

(4) Where only two candidates are nominated, the ~~candidate~~ who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate ~~obtains~~ more votes than the remaining

candidate/....

candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.

(6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under rule (4) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots.

RESOLUTION. No 7

147

This Assembly resolves —

(1) to appoint a committee consisting of a Chairman and 15 other members to report on the following matters:

(a) Rules of Procedure including of the Assembly, Sections and Committees;

(b) Powers of the Chairman;

(c) Organization of the work of the Assembly, including the appointment and powers of office-bearers other than the Chairman; and

(d) Procedure for the declaration and filling of vacancies in the Assembly;

(2) that the Chairman of the Assembly shall be the Chairman of the Committee;

(3) that the members of the Committee be elected in the manner prescribed in the Schedule; and

(4) that, pending the decision of the Assembly in that behalf, the Chairman shall

(a) fix the allowances of the members of the Assembly;

(b) in the case of the servants of the Government of India or any Provincial Government whose services are placed at the disposal of the Assembly, fix their salaries and allowances in consultation with the Government concerned; and

(c) fix the salaries and allowances of all other persons recruited directly for the business of the Assembly.

SCHEDULE.

1. The members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote. The election shall be conducted as nearly as possible in accordance with the regulations in force in this behalf in the Central Legislative Assembly.

2. The Chairman shall fix and announce a date and time for the holding of the election (if necessary) of the members of the Committee.

3. Notice may be given by any member desirous of proposing a member or members for election to the Committee. Notice shall be given in writing addressed to the Secretary and signed by the member giving notice and shall be left at the Notice Office before 12 noon on a day to be fixed by the Chairman. The member giving notice must satisfy

himself that the members he proposes are willing to serve if elected.

4. If the number of candidates so nominated is less than the number of vacancies to be filled, the Chairman will appoint a further period within which the notice aforesaid may be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.

5. If the total number of candidates nominated is equal to the number of vacancies to be filled, the Chairman shall declare all the candidates to be duly elected.

6. If the total number of candidates nominated exceeds the number of vacancies, an election shall be held in the manner prescribed in rule ~~xxxxx~~ 1.

7. For the purpose of these rules, a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer have not signed the Assembly Register as members of the Assembly.

CONSTITUENT ASSEMBLY OF INDIA

Council House,

New Delhi the 9th Dec. 1946

From:

Khan Bahadur S.G.Hasnain,
UNDER SECRETARY.

To :

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

SUB: VISITORS' PASSES FOR THE MEETINGS OF THE CONSTITUENT ASSEMBLY.

.....

Sir,

I am directed to say that with effect from Thursday the 12th December 1946 all applications for passes for admission to the Galleries of the Constitution Hall may kindly be submitted to this office one clear day before the actual date of the meeting for which the passes are required i.e. applications for the meeting on Thursday the 12th December must be received in this office at the latest on the 10th December 1946 before 5 P.M.

I have the honour to be,
Sir,
Your most obedient servant,

(S.G.HASNAIN)
UNDER SECRETARY

CONSTITUENT ASSEMBLY OF INDIA

REVISED PROGRAMME FOR THE FIRST MEETING OF THE CONSTITUENT ASSEMBLY

9th Dec. 1946.
11 a.m.

1. The temporary Chairman takes the chair.
2. Messages of goodwill, if any.
3. Election petition from British Baluchistan.
4. The temporary Chairman's inaugural address.
5. Nomination of temporary Deputy Chairman.
6. Presentation of credentials by members and signing of Register.

H.V.R. Iengar.
SECRETARY.

New Delhi,
The 8th December, 1946.

CA

151

November 30, 1946.

Mohanlal Saksena, Esq.,
Secretary, Congress Party,
20, Council House,
New Delhi.

56

Dear Sir,

Thank you for your letter of the 25th and your offer of help during my stay in Delhi. I shall reach Delhi by air on the morning of the 7th and for a day or two I shall be staying with a friend at Baikunth, 1-A, Queen's Way. I shall remove thereafter to the quarters which have been assigned to me in Western Court.

Yours truly

MRJ

Tel: 2987.

Constituent 154
Assembly.

CONGRESS PARTY,
20, Council House,
NEW DELHI.

Nov. 25, 1946.

55

Dear Friend,

The Constituent Assembly is meeting on the 9th December 1946 and I believe you must have received the notice from the Constituent Assembly office as well as other communications regarding the arrangements for your board and lodging.

Under the rules you are suppose to reach Delhi 3 days before the commencement of the meeting, but in any case you should try to reach at least a couple of days before the meeting to facilitate informal consultations amongst the members.

On behalf of the Congress Party in the Central Legislature I am writing to extend you a hearty welcome to your new task and to tell you that the services of our office will be at your disposal during your stay here. The office is located in Room No. 20 in the Council House and the telephone number is 2987.

If you do not mind you may also inform the office the date of your arrival and the place where you will put up.

Yours sincerely,

Mohanlal Saksena

(MOHANLAL SAKSENA)
SECRETARY.

51

RAD

E. O.-75.

GOVERNMENT OF INDIA

ESTATE OFFICE.

57

FROM

Rai Sahib G. T. Meshram,

Estate Officer.

TO

.....M.R. Jaykar Esqr.....

Member of the Constituent Assembly,

c/o Congress House, Vitthalbhai Road,

BOMBAY 4

(XI)

No. 582 E.O.(I), dated New Delhi, the 30th Nov. 1946.

SUBJECT:—*Allotment of residential accommodation in Government Hostels, New Delhi, to the Members of the Constituent Assembly.* for the preliminary session.

SIR,

I have the honour to say that Married/Single suite No. 26 in Western Court, New Delhi, is allotted to you for the period the Constituent Assembly will be sitting in New Delhi. Rent is Rs. 5/- per day and this will be deducted from your travelling or daily allowances bills.

2. Messing in Government Hostels is compulsory and no private cooking is permitted.

3. Motor garage No. /Servant quarter No. at is also allotted to you on payment of extra rent at Rs. p. m.

4. Other conditions of allotment are as stated in this office letter No. 4577-E. O.I., dated the 8th August 1946.

[P.T.O.

5. Accommodation will be available one week before the commencement of the session of the Constituent Assembly. It is requested that the date on which you will require the accommodation may be intimated to me in due course.

I have the honour to be,

Sir,

Your most obedient servant,

G. T. MESHRAM,
Estate Officer.

(XI)

No. 582 ..... E.O/1. dated, New Delhi, the... .....1946.

Copy forwarded for information to the :—

1. Under Secretary, Office of the Constitutional Adviser, New Delhi.
2. A.E.O. (Accounts), New Delhi.
3. Caterer New Delhi.
4. Receptionist Western Court New Delhi.

G. T. MESHRAM,
Estate Officer.

3EO—2,500—18-9-46—PSVPD

155

December 2, 1946.

59

Dear Sir,

I am in receipt of your printed circular letter dated the 20th. It will have my full attention on the proper occasion.

Yours truly

MRJ.

P.L. Rallia Ram, Esq.,
General Secretary,
All-India Council of Indian Christians,
Lahore.

JOINT COMMITTEE
OF
THE ALL-INDIA COUNCIL OF INDIAN CHRISTIANS
AND
THE CATHOLIC UNION OF INDIA

To

THE MEMBERS OF THE CONSTITUENT ASSEMBLY.

C/o P. O. Box. 133,
20th November, 1946.

DEAR SIRS,

On behalf of the Joint Committee I am directed to congragulate you on your election as a member of the Constituent Assembly. The Committee hopes and prays that as the result of your labours the Constitution of our Motherland, as a free self-governing country, will be founded on principles of justice and equity.

I was instructed by my Committee to send to each member of the Assembly a resolution passed at the meeting of the Committee, held in July, 1946, concerning the representation of Christian Indians.

Our main concern in sending you this resolution is to draw your attention to the desire of Christian Indians with regard to the composition of the Minority Advisory Committee. It was the evident purpose of the Cabinet Delegation to ensure that on such a Committee, small minorities such as ours, are *adequately* represented, and we are confident that the leaders of political parties in India will fully endorse this principle.

In the considered judgment of our Committees, *adequate representation* should mean :

(*a*) The number of persons sufficiently large to give adequately represent the feelings of Christian Indians as a whole. My Committee is of the opinion that on the Advisory Committee, there should be seven Christian Indians, but in no case less than five.

(*b*) Such persons should be true by representatives and, therefo re, they should be elected or selected, in accordance with the opinion of Christians themselves. In our resolution, we have suggested a method for the election of Christian representatives, which we hope will be acceptable to you, or as an alternative our Joint Committee may be allowed to submit a panel of names out of which all or most of the members may be selected with the advice of the Christian members of the Assembly.

With greetings and with all best wishes for your work,

I am,

Yours sincerely,

P. L. Rahia Ram

Honorary Secretary Joint Committee,
and
Honorary General Secretary,
All-India Council of Indian Christians.

RESOLUTION ON THE MINORITIES ADVISORY COMMITTEE

In view of the fact that the Minorities Advisory Committee is intended to voice the views of the minorities in regard to their fundamental rights and safeguards, the Joint Committee recommends that for the election of Indian Christian members of the Advisory Committee an Electoral College composed of all the Indian Christian members of the Provincial Legislatures and the members of this Joint Committee be formed to return an adequate number of Indian Christian members of the Advisory Committee.

The copies of this Resolution be forwarded to all the Officers and Members of the Constituent Assembly.

Const.!• Assembly•

Dwc—b«r 19M*

•^7-

My dear Saxdar Sir Sobha Singh,. _ ___

A twm days aco* your aoa» DaXgl^ SlnidUi* wrot* to a« and X ropXlad to atatlng* aaoog othor ttaiacat that X waa roaohlog Oolhl by air oiT^Brimralag tbo Tth 'of Dooai^aap and vovXd bo aiaylnc with you for a day or too and than wtU ranora ayaalf to tbo qdartwm Malgnad to aw daring "7 ata^at-DaUal for tbo prollatnaiy soaalOB of tbo Coaatltoant Aaaaii^ly. I an aoeoxdtngly Xaanrlng on tbo Tth and roaoMng tharo at tbo aaredrono at tbo ttanal tlao a UtUo aftav 11. *Mr* aorraat oltb ay haaay Inggago o lll Xoaro *rm rr* pro> babiy by tbo aiCbt train an tbo roaohing How Dolhl on ^o nornlns of tbo ^ 8th* Ton aro p«»taapa baring a nnabor of guoato daring 'Uils iaportant porlod and X an, ttwroforo, boylng that ay ntay oltb a U l not oauao you nuch Inr-oonrwilonoo. X do not know abotbor a garago baa boon allottad to no. (Mng to that aneortalnly and alao boeaaao of tbo abortnaaa ^ tbo alttlng of tbo Conatltaant iaaoably boforo tbo Obrlatnaa roooaa* X an not gottlng ay oar to Dolbl until yanaaiy.

Xn arltlng tbla Xottauf X an of ooarao aaounlng tbat tbe of tbo proBont tatba In Xiondon *111 not In ray Intarfaro altb tbo aont of tbo Conatltuont iaaaably <m tbo 9tb. tbo uttavanooa of Gdngroaa

indicate that in no event will the session of the Constituent Assembly be postponed.

I hope that you and your family are all doing well. More when we meet.

With kindest regards,

Yours sincerely

M.R.J.

The Hon'ble Sardar Bahadur Sardar Sir Sobha Singh,
Baikunt,
New Delhi.

Const. Assembly

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December 2, 1946.

From

The Rt. Hon'ble M.R. Jayakar, P.C.

To

The Under Secretary,
Office of the Constituent Assembly,
Council House,
New Delhi.

Dear Sir,

As required by rule No.3, published in the Hand-Book for Members of the Constituent Assembly (of which I have received a copy from your office), I am giving you intimation that I expect to arrive in Delhi on the 7th by air and will stay with a friend, the Hon'ble Sir Sobha Singh, 1-A, Queen's Way, for a day and, if the quarters assigned to me for the preliminary session, viz., Suite No.26, Western Court, are ready, I will take possession of them in the afternoon of the 8th. I do not know whether there is a telephone there, as I

had requested the Estate Officer to provide. So, I cannot give you at present my telephone number.

Yours faithfully

M.R.J.

Con. Assembly. 62

Bombay

December 2, 1946.

From

The Rt. Hon'ble M.R. Jayakar, P.C.

To

The Estate Officer,
Government of India Estate Office,
New Delhi.

Dear Sir,

Your telegram, intimating that Suite No.26, Western Court, has been allotted to me for the preliminary session of the Constituent Assembly, was received here during my absence. Hence I could not acknowledge it so long. I thank you for the allotment and have to intimate that I shall reach New Delhi either on the 7th or the 8th of this month. Your telegram says that the allotment is for the preliminary session, suggesting thereby that for the long session, succeeding the preliminary session, a different allotment may be made. I wonder if this is so. I understand that the preliminary session will last just for a few days. So, I am not getting my car to Delhi.

But, I have to request, as I stated in my first application, that a garage may be alletted to me for the use of my car in the long session which will follow.

I hope that there is a telephone connection in Suite No.26, as I had requested in my first application. If not, it may be put up at an early date before my arrival.

No letter has followed your telegram as intimated therein.

Yours faithfully

M.R.J.

C. A

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6.FANE ROAD.
LAHORE.

Nov. 30,1946.

63

My deer Dr. Jayakar,

Many thanks for your kind letter which I received a few days ago.

After the dramatic events of the last several weeks, it seems that the Constituent Assembly is, after all, going to meet on the 9th. I believe you will be leaving Bombay shortly and will be at Delhi by Friday or Saturday. A house must have been allotted for your residence, but I shall be grateful to know where it is, so that I may see you as soon as I arrive at Delhi.

I intended to leave earlier, but an important meeting of the Senate has been called for the 7th at which my attendance is necessary. I, therefore, will leave on the 7th night and reach Delhi by the Frontier Mail on the morning of Sunday the 8th. I shall stay at 10, Windsor Place.

With kind regards,

Yours sincerely,

Tek Chand

CONSTITUENT ASSEMBLY OF INDIA

Office of the Constitutional Adviser,
Council House,
New Delhi, the 23rd November, 1946.

No. C.A./49/Asy./46.

FROM

H. V R. IENGAR, ESQ., C.I.E., I.C.S.,
Secretary.

To

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

SIR,

I am directed to address you on a matter of security concerning the members of the Constituent Assembly. In the ordinary course, following the procedure adopted by the Central Legislative Assembly, members of the Constituent Assembly would expect to be allowed to proceed to the Assembly Chamber without challenge at the gates. In view, however, of the law and order situation at present and the possibility of disturbances during the sessions of the Constituent Assembly, it is considered that it would be in the interests of the safety of members if a system of passes were introduced. Accordingly a member's pass is enclosed and I am to express the hope that you will be so good as to show it to the security officers, if so requested.

I have the honour to be,
SIR,
Your most obedient servant,
H. V R. IENGAR,
Secretary.

4-Dec

Circular No. CA/~~14-Asy~~/46.

CONSTITUENT ASSEMBLY

To

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

1st Dec

New Delhi, the ~~10th~~ September, 1946.

SUBJECT:—*Issue of Petrol Coupons to the Members of the Constituent Assembly*.

Sir,

I am directed to inform you that during the ensuing Session of the Constituent Assembly supplementary petrol coupons on the basis of ~~half~~ a gallon for each day the Assembly sits will be issued by the Office of the Constitutional Adviser to Members who make arrangements to use hired cars or other private cars.

2. Applications for petrol coupons should be made to the Under Secretary, Office of the Constitutional Adviser, at least 24 hours in advance of the date on which coupons are required. Coupons will, however, not be issued if the applications are received after the last day of the month for which supplementary petrol ration is required.

3. Applications for petrol coupons for Committees elected by the Assembly, meetings of which are held during the Session period or one week before, or one week after, the Session of the Assembly, should also be made to this Office. Coupons will only be issued to Members attending meetings of such Committees on days on which there are no meetings of the Assembly.

4. Members are requested kindly to return *unused* petrol coupons to the Under Secretary, Constituent Assembly, before leaving Delhi.

I have the honour to be,

Sir,

Your obedient servant,

H. V. R. IENGAR,

Secretary, Constituent Assembly.

GIPD—L 21 C Advr,—4-9-46—500

CONSTITUTIONAL ADVISER

C. A

D.O. No.CA8/2/Cons/46. 166

Council House,

New Delhi, the 12th December, 1946.

My dear D. Jayakar, 66

Many thanks for your letter of the 10th December. I have asked my office to make a note of your present address, and I hope you are receiving all papers, etc., at that address.

As regards the bundle of papers circulated to members previously, Padmanabhan tells me that he has already sent to you all the papers which we have so far issued.

I shall let you know when I can manage to find some time to have a talk with you on the Hindu Law Bill.

Yours Sincerely
B. N. Rau

Dr. M.R.Jayakar,
C/o, The Hon'ble Sir Sobha Singh,
Bikunth,
New Delhi.

GOVERNMENT OF INDIA
ESTATE OFFICE

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From

RAI SAHIB G.T.MESHRAM
ESTATE OFFICER.

TO

M.R. Jaykar Esquire,
Suite No. 26, Western Court,
NEW DELHI.

67

No. 582-E.O.XI, Dated New Delhi, the 8-12.1946

Subject:- ALLOTMENT OF RESIDENTIAL ACCOMMODATION IN GOVERNMENT HOSTELS NEW DELHI TO THE MEMBERS OF THE CONSTITUENT ASSEMBLY FOR THE PRELIMINARY SESSION.

Dear Sir,

In continuation of this office No. 582-E.O.XI, dated the 30th November 1946 kindly note that the rent of suite No. 26, Western Court allotted to you for the preliminary session of the Constituent Assembly is Rs 6/9/ and not Rs 5/- as communicated to you. The mistake is regretted.

Yours faithfully,

ESTATE OFFICER.

G. L. O. V.

GRAMIST LEGION OF VICTORY

68 168

Khedut Office,
Bhadra, Ahmedabad.

10-12-46.

Dear Shri Jayakar Sahib,

C. Assembly

Allow me as a constitutional lawyer and a publicist to suggest that there is no need for any delay in the constitutional work, for practical politics.

The Central Group can proceed with its work as the differences are about the Eastern and Northern parts only.

The Central Group may work out separate Provincial constitutions, and also prepare a provisional draft for its Union and a Central Authority.

The central group may invite States Negotiating Committee to co-operate and assist in the framing of this provisional Draft, which may be considered finally, when the eastern and Western sections join, if they do.

The highest wisdom and Statesmanship is to align States and Rulers into joining for a Union Central Authority, Central Group with honourable place for the Rulers in a new covenant or Treaty or Agreements. This will make the whole frame unassilable and even if some Provinces presently keep out, the pressure and profit of a powerful Union of Provinces and States or other groups will be enough to induce such halting areas to join later.

p.t.o.

This will be consistent with the Congress declaration of not coercing any Province against its will.

The constitutional experts of the Congress and in the Assembly may examine this point.

Thanking you for early acknowledgment.

Yours sincerely,

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BAIKUNTH,
NEW DELHI.

'PHONE 2221.

67 T.A. Queen's way.
c/o The Hon'ble
Sir Sobha Singh.
14. 12. 46

From The Right Hon'ble
M R. Jayakar
Member Constituent Assembly
of India

C/o Rai Sahib G.T. Mehram.
The Estate office
Govt office

Dear Sir I hereby
I am writing to you that
from noon after Sunday the 5th inst.
I shall not require quarters
(Sikh No 26 Watson Court New Delhi)
which were allotted me for
for the purpose of session
of the C.A

Yours faithfully
M R J

Copy To 14.12.40

Mydear Pandit Jawaharlal.

This is just a line to offer you my cordial congratulations on your beautiful speech yesterday. Its dignity, gravity and sincerity were admirable, and I was very thankful to see it reported as I was unable to hear it. I hope to speak to you about my own visit which had come yesterday. I shall do so when I speak on Monday but I understand that you will then be away at Calcutta on an important mission. So I thought I would write you a line to tell you what I thought of your speech.

There is always in my family at Stray, much Christmas Correspondence, I am therefore as busy as I can be at present as my arrears are formidable. I may yet be able to meet you when you return to Delhi

Yours sincerely

DEWAN OF TRAVANCORE

BHAKTIVILAS
TRIVANDRUM.

(Camp) Travancore House,
New Delhi, 15th Dec. 1946.

My dear Dr. Jayakar,

I am sending, for your perusal, a statement that I have issued to the press to-day. It may be of some assistance to you in the debate tomorrow.

With kind regards,

I am,
Yours sincerely,

C P Ramaswami Ayr

MADE IN TRAVANCORE

Feeling as I do that the resolution which has been sponsored in the Constituent Assemmbly by Pandit Jawharlal Nehru and which is now under discussion is premature and is likely to retard instead of facilitating that process of mutual adjustment and compromise, which alone can bring real freedom and self-Government to India, I have, even at the risk of being misunderstood, decided to express my opinion on the events that are shaping themselves not primarily as the administrator of an Indian State but as one who is freeing himself from that position so as to advocate his point of view with regard to the present -- situation.

At the outset, let me say that the -- importance of a strong Central Government for the whole of India (including the Indian States) and the inexpediency or rather the positive harmfulness of the creation of one or more Pakistans are undeniable. It cannot also be doubted that India is entitled to choose any form of Government that she prefers and also that the Indian States should join the Government of the future India as willing partners, their peoples having a vital and formative xx share in the governance of the States. At the same time, it is felt by many that the system of monarchy, under proper safeguards, is not foreign to the genius of the people and is worth preserving, where it exists and is able to function satisfactorily.

Whereas Pandit Jawharlal Nehru, ~~who~~ has asserted that he is opposed to monarchy in any form, my present concern, however, is not to enter into any controversy on such a topic. My desire is to point out the irreparable and grave consequences that would flow from the determination to go forward with the discussion of and voting upon the proposal now on the tapis.

before the Indian States have an opportunity to state their case in the Constituent Assembly.

Let us realise the position, as it is. So far as the States are concerned, Sir Stafford Cripps, on behalf of the -- British Government, has made it absolutely clear, even if there had been any previous doubts on this subject, that during the transitional period of the Interim Government, the British Government - would retain Paramountcy, that they could not and would not, in any circumstances, transfer that paramountcy to any other Government of British India and that when the transfer of power takes place in - British India, those rights and obligations that are now comprised in what is termed Paramountcy will revert to the States. He has also stated that the States, in the Constituent Assembly and the - Negotiating Committee, would settle outstanding matters with the representatives of the major parties in British India. The proposition now re-asserted by Sir Stafford Cripps, involve an actual - and effective discussion between the States and the representatives of British India. The States, in their present set-up and with their present constitutions or system of government, cannot therefore be ignored by those who have, like the Congress, accepted the scheme of the Cabinet Mission. It cannot be forgotten that, as matters are at present, the policies of the States are in fact -- decided by the Rulers and their advisers, whatever the future constitutions of the States may be. The States have however definitely approved of the idean of Indian Independence. Several persons, including myself, have made it abundantly clear that the Indian -- States are and should be absolutely unconcerned with the communal disputes between Hindus and Muslims and I have entered and must now repeat a strong caveat against all statements tending to --

hinder the cooperation of the Indian States in constitution-making if the Muslim League should unhappily keep out of the Constituent Assembly. Having said so much, it cannot be forgotten that the Indian States have to be reckoned with as n important part of the future body politic. In the formulation of the objectives of the Constituent Assembly, they have a -- right to be consulted, especially as it is intended that the Republic of the future will comprise the territories that now form the Indian States. It is also asserted in the resolution that all power and authority of Sovereign Independent India and its constituent parts should be derived from the people. Such a doctrine may or may not be incontestable, but there is no point in taking it for grante in Indian India, especially when we remember that in ~~xx~~ legal theory this doctrine is only imperfectly applicable even in England.

In the course of his speech, Pandit Jawharlal Nehru has stated that "it is possible that the word Republic may displease Rulers of Indian States, but I want to make it clear that personally I do not believe in the monarchical system anywhere." This language is hardly that of conciliation or -- negotiation nor will it conduce to harmonious pour-parleys to take it as beyond controversy that a system of Government based on a removable executive or modelled on the system of Responsible Government in the British sense is the only possible one. There seems to be no particular benefit to be derive by a reference to monarchical figureheads at the stage of preliminary negotiation with those Rulers, who are not figureheads and have to be persuaded to come into the scheme. The further Assumption has been made that in the Constituent Assembly it is only the

representatives of the people of the States and not the Rulers or their representatives that have a right to take part. The averment is that British India will talk with the Princes in -- matters appertaining to them but the representatives of the -- States, who would join the Constituent Assembly, must be representatives of the people. I wonder if it has been forgotten that ~~xxx~~ only a very few of the States have at present any appropriate legislative or representative machinery at their disposal. Some of the larger States have already stated that representatives of the people of the States chosen from the existing legislative bodies - would form part of the delegations of the respective States; but as a matter of practical politics the Constituent Assembly must realise that under present conditions the States cannot but be represented in some cases at least by the Rulers or their duly accredited advisers.

The procedure contemplated in the Cabinet Mission' proposal postulated a free and full discussion of all matters of difference and did not and could not have foreseen that one party should be able to lay down the law for another. To say, as Pandit Jawharlal Nehru explains, that his resolution lays down certain fundamentals, which are not controversial, is to beg the question. Further to say that, if anybody challenges this Statement, the challenge will be accepted is to provoke a conflict when there need be none.

There is a great deal of force in the argument that if India is to be an Independent Soverein State, it cannot but partake of the nature of a Republic. But so to argue is one thing. It is quite another to insist on a series of propositions, which are, by no means, beyond controversy and then proceed to -

to say that these propositions are self-evident and that if they are challenged, the challenge will be put aside. This is not to make the way smooth for the discussions contemplated by the proposals of the Cabinet Mission, which the Congress, as the dominant political party in the country, had avowedly accepted in toto, until the issue of the latest statement by the British Cabinet.

In view to such considerations, is it too much to ask that the Constituent Assembly will stay its hands not pass any resolution on this vital matter until after discussions with the Indian States have taken place?

NO. CA/1(2)/Ser/46.

CONSTITUENT ASSEMBLY OF INDIA.

177

Council House,
New Delhi, the 14th December, 1946.

SUBJECT:- Medical facilities for Members of the Constituent Assembly.

- - - - - -

Dear Sir/Madam,

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It has been arranged that with effect from the evening of the 13th December Dr. Goel of the North Block Secretariat Dispensary will be available at Constitution House (Suite No. 76) at 9.30 every morning and at 6 o'clock in the evening for one hour each time to deal with minor ailments of members of the Constituent Assembly.

Yours faithfully,

(B.F.H.B. TYABJI)
DEPUTY SECRETARY.

To

All Members of the Constituent Assembly.

73 128

Copy of the Press Statement issued by the Ministers and the States' Negotiating Committee in regard to the resolution under consideration of the Constituent Assembly is appended with compliments.

Recd 10/12
6n 10/12
at 6.30 p.m.

Mir Maqbool Mahmood Secretary to the States Negotiating Committee has released the following press statement.

We the undersigned members of the States Negotiating Committee present in Delhi regret to note that a resolution has been moved at the preliminary session of the Constituent Assembly which raises many fundamental issues, which, in our opinion, cannot and should not be considered or decided by the Constituent Assembly in the absence of the Indian States representatives and before negotiations contemplated under the Cabinet Mission's plan have taken place between the States Negotiating Committee and the corresponding Committee which has yet to be appointed by the British Indian portion of the Constituent Assembly. The resolution inter alia proposes setting up of an Independent Sovereign Republic comprising not only British India but also the territories that now form the Indian States. It further declares that the power and authority of the Sovereign Independent India, its constituent parts and the organs of Government, are derived from the people. These and other basic issues reiased in the resolution are obviously matters for discussion and consultation with the States representatives in the forthcoming negotiations in connection with the framing of an agreed constitution for India.

Signed-

Sultan Ahmed
C.P.Ramaswamy Aiyer
D.K.Sen.
K.M.Panikkar

NOTE:- Sir Mirza Ismail and Sir Ramaswami Mudaliar who have left Delhi have also intimated their concurrence with the above statement.

M R Jayakar

List of Members of the Constituent Assembly

(Showing Delhi Addresses)

(The 12th December, 1946)

N.B.—It is requested that any alteration required in this List may be communicated to the ***Under Secretary, Constituent Assembly, Council House, New Delhi.***

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SECTION A—190

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(4) Bihar—36

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(9) Delhi—1

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No. 77

NEW DELHI 18 DEC 37 P.T.O.

O ND MADRAS 0 17 37 RIGHT HONOURABLE M R JAYKAR MEMBER

TO

CONSAMBLY NEW DELHI =

MY HEARTIEST CONGRATULATIONS ON YOUR EXCELLENT SPEECH IN CONSAMBLY PLEASE

KEEP ON INDIAS DEMOCRATIC SPIRIT AGAINST CONGRESS FASCISSTS =

P BALASUBRAHANIA MUDALIAR EDITOR SUNDAY OBSERVER MOUNT ROAD =

Rec'd 2nd Dec 37 at 18 hrs

17.12.46

The Hon'ble Mr. M. R.
Jaikar

C A 78

Dear Sir

The Frontier Province +
Assam have got very strong
objection to be in the groups
of Punjab + Sindh + there
with Bengal.

If Jinnaha, yourself +
Nehru agree, following proposal
should be considered: —

Assam should be joined
with Nepal + Bhutan +
let it be an independent
+ friendly to Indian
Republic.

Similarly Frontier Province
be joined with the area of
mountain tribes, Quetta, Kaiber
ghats + Baluchistan. They
should all form an independent

civil- friendly to India,
If you approve of
this, kindly indicate your
views to agree & when
all of you agree British
Parliament- is sure to sanction
this amendment- to present-
-grounds.

Somehow or other, civil
war must- be avoided

At A. L. L. B.

GOKHALE INSTITUTE OF PUBLIC AFFAIRS
BASAVANGUDI P.O. (BANGALORE CITY)

D. V. GUNDAPPA
Secretary

December 19, 1946.

Dear Sir,

This morning I sent a telegram to Acharya Sri Kripalani, the esteemed President of the Congress worded as follows:-

"Postponing Pandit Nehru's resolution will obviate one excuse for the States' and the League's abstention."

On the same topic I am enclosing a note herewith for your kind attention.

With assurances of deep respect,

Yours sincerely,

D. V. Gundappa

P. S.

Since writing the above, I have read Mahatmaji's views and have heard radio reports of the comments of Sir Alladi K. Iyer & Sir H.S. Gour. The others missed the point of Dr. Jayakar which is only for postponement and not for abandonment. My views remain as stated in the note. Sir Alladi & Sir H. Gour were wildly irrelevant.

Dr. M.R. Jayakar,
New Delhi.

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PANDIT NEHRU'S RESOLUTION ON CONSTITUTIONAL IDEALS

(By D. V. Gundappa)

Expediency is the only matter to be considered as regards Pandit Nehru's resolution about the features of the Constitution to be.

Will the resolution help to bring into the Assembly the 168 members now not in it, out of the 385 that should be there ? That is the question.

The intrinsic soundness of the principles and ideas summed up in the resolution is not in question at all. They are unexceptionable except for the fact that if rushed in the absence of the relevant parties, their chances of coming to fruition are likely to suffer.

There could hardly be any one outside the circle of our princes and their courtiers who is enamoured any more than Pandit Nehru is of such relics of monarchies as are remaining in our States.

Most people also realize that the head of the independent All-Indian State envisaged, with so many Provinces in it having no hereditary ruler to think of, can only be a citizen selected by some democratic method; and that a King or Emperor is nowhere to be found for it within India.

It is also possible to argue that within the All-Indian Republic, there may continue monarchical forms subsisting within democratic constitutions in the States.

But is it right, and is it democratic, for any body to decide these matters for others equally entitled to share in the process of deciding ? Acceptable as the ideas undoubtedly are, what right has any one to assume that they already have universal approval ? What is the moral authority of an Assembly which has nearly a half of its seats empty?

The question is not one of law either. The Cabinet Mission's statement is not a statute; and its clauses are not to be construed in the manner of a lawyer arguing in a law-court. It should be taken as the basis for an amicable settlement; and the question to be considered first and foremost is therefore one of human psychology. It is simply a question of these present in the Assembly seeing that an additional excuse is not furnished by them to those already outside

outside to continue there, sulking and suspicious.

The general framework and the declared purpose of the Cabinet Mission's plan,- despite its many inconsistencies and dubieties drawbacks,- must be faithfully accepted and followed if all concerned should move together. The spirit of that plan is that things should proceed by mutual conciliation and compromise and good understanding all round; that there should be no resort to snap tactics and no invoking of merely technical or legal authority; that all parties should be sportsmanlike, playing according to rules without worry about success or defeat. It is a gentleman's word of honour to which each party is asked to pledge itself. The first thing for the Assembly to do therefore is to get its vacant places filled, - that is, to do nothing that may be cited as an excuse by the absent parties for their abstention.

A good deal of the discussion in the Assembly on the resolution was irrelevant and rhetorical. The opponents of Dr. Jayakar's amendment missed its central purpose, which was to let nothing be done that is likely to frighten or dissuade the absent parties from entering the parlour. Let the same resolution be pressed by all means when everybody is in.

Republicanism and Socialism are not such weak things as need fear defeat in a well-filled Assembly. Let us have them embodied as fully as possible in the operative clauses of the Constitution rather than mentioned categorically in the words of the preamble.

Even the obnoxious Grouping clauses, the Assembly may agree to dispose of according to the terms of the basic plan. The worst to be feared is a wrong and tyrannical local constitution for each of the smaller Provinces compelled into a Group. We may be sure that when the evil has come to be felt in actual experience, the people of the Province will not remain quietly suffering and will know what remedy to apply and how. If we do not have this faith, our working for democracy would be a leap into the dark indeed. Let us by every means available resist the Grouping clauses, but without going out of the state-paper or against it.

What is the practical result of producing a Constitution in defiance of the British Government's conditions ? Plainly it will be a renewal of the struggle. Heroic spirits will no doubt stand

stand unafraid and even eager. But what will be the cost ? And on whom will its burdens fall ?

It is not merely those that are lathi-beaten, or shot down, or sent to prisons that suffer. It is not merely their relatives and dependents that go through the trial. The country as a whole stands to suffer for yet another generation. Its industry and trade, its social development, and its capacity to keep its due place in world-economy is bound to suffer a serious set-back. Freedom will no doubt be won at last; but where will we be then in the race that the nations are running ?

Republicanism and Socialism are bound to come -- some day; and who is there that will not welcome them when they come ? All that is asked for is that the road to them be made smooth and inviting as far as in reason will be possible. Their arrival may be delayed as much by our hurry as by our inattention.

Before forging ahead with a Constitution disowned by other partners and thereby precipitating another struggle, let us think/make sure whether such a course in inevitable. What is the significance of a freedom that will come when we are no longer here ?

It is vanity to talk of doing things for posterity. As though posterity will not be having its own wise and strong men ! If we really cannot trust to its solving its own problems, of what avail will our bequest to it be ? May not its incompetence cut down or ruin the plant of republicanism and socialism which we may fondly bequeath to it ? In our concern for the future generation's freedom, is it absolutely necessary that we should forget the present ?

Our supreme need is practical good sense. There is a type of heroism that consists in [illegible] patient strength and well-balanced movement just as there is a type whose marks are flaming impulse and flashing sword. The former is less impressive to the onlooker, but not necessarily less effective. Our present task is to bring [illegible] the needs of today and the needs of tomorrow into some working adjustment. That means a certain sacrifice of some points under both heads in order to gain some other points under both. It is given to no mortal's strategy to gain all at once.

D.V.Gundappa

FRAMING INDIA'S CONSTITUTION

"CABINET PLAN ONLY SOLUTION"

Hindu 13-12-46

CRIPPS' APPEAL TO PARTIES

CHURCHILL'S ATTACK ON INTERIM GOVT.

LONDON, Dec. 12.

The hope that despite mutual suspicions and fears, the Congress and the Muslim League might eventually find themselves side by side in the Constituent Assembly and in the Sections was expressed by Sir Stafford Cripps when he opened a two-day debate on India in the House of Commons to-day.

"We are convinced now as we have never been," added Sir Stafford, "that it is only by such co-operation that a satisfactory new constitution for India can be hammered out"

The debate opened shortly before 16-00 G.M.T., (9-30 p.m. I.S.T.) with the House crowded in every part and Mr. M. A. Jinnah, President of the All-India Muslim League and Mrs. Vijaya Lakshmi Pandit, leader of Indian Delegation to the United Nations, were among a number of Indians, who listened to the debate from the Distinguished Strangers' Gallery.

Sir Stafford Cripps also told the House that after careful re-examination of the scheme put forward in May last the Government was convinced that it was not only a fair, but feasible scheme. "We can see no other way", he added, "by which the disaster of civil strife can be avoided."

Sir Stafford Cripps concluded by expressing the conviction that it was essential that all parties in India should call a halt to the violent propaganda that had stirred the people during the last few months.

Mr. Winston Churchill, Leader of the Opposition, who followed Sir Stafford Cripps, associated himself with Sir Stafford in his appeal to the Indian parties to discontinue violent propaganda. "All facts and all omens", declared Mr. Churchill, "point to a revival in an acute and violent form of internal hatreds and quarrels, which have long lain dormant under the mild incompetence of liberal-minded British control. To me it would be no surprise if there is complete failure to agree.

"Agreement in India which was the basis of all our policy and declarations was an indispensable condition. Instead, there had been strife and bloodshed and the prospect of more and worse to come".

Mr. Churchill, on behalf of the Opposition, disclaimed all responsibility for the Labour Government's present policy and charged it, through inviting the Congress to form an Interim Government, with "precipitating a series of massacres unparalleled in India since the mutiny of 1857".

Mr. Churchill, alluding to his insistence upon a debate, said it would be a pity if the British Empire in India passed out of life into history without the House of Commons seeming to take any interest in the affair.

For the Liberals, Mr. Clement Davies, said that there had been no wars more horrible in Europe in the past than those caused by religious differences. That should be a warning to the Indian people to do their utmost to act in a statesmanlike manner remembering responsibility not only for a particular party they represent, but for India as a whole.

Sir Stanley Reed (Conservative), formerly the Editor of *The Times of India*, said that the Government had approached this great problem bristling with difficulties with courage, wisdom and imagination. On the broad outlines of their policy he gave them cordial support.

DETAILS OF DEBATE

CRIPPS' TRIBUTE TO INTERIM GOVT.

The first full-dress debate on India of the present Parliament opened in a packed House of Commons to-day with a speech by Sir Stafford Cripps.

Notable listeners included Mr. M. A. Jinnah, President of the All-India Muslim League. There were several ladies in bright Indian costumes sitting in the Distinguished Strangers' Gallery.

Sir Stafford Cripps began by moving the motion which stood in the names of the Prime Minister, Mr. Clement Attlee, Sir Stafford Cripps, Mr. A. V. Alexander and Mr. Arthur Henderson. It ran as follows:

"That this House takes note of the statement on India made on December 11 by the Prime Minister and expresses its hope that a settlement of the present difficulties between Indian parties will be forthcoming."

Declaring that Britain had now, for over a century and a half, been intimately associated with the development of India, Sir Stafford Cripps said, "We have been largely responsible for shaping her destiny and deciding the course of her history. Whether we have conducted ourselves well or ill, we have carried the responsibility in a large measure and to-day we find that India and her people, like ourselves, are confronted with the most grave problem that arises out of that historical development.

"Do not let us under-estimate the difficulty of its solution. It is sometimes suggested that but for the intransigence of this or that Indian party the matter could be easily solved. That, I do not think, is in accordance with the true situation. Everyone, who has shared in the responsibility for the past of India must likewise share in the responsibility for the present and we as a people share that responsibility and that is why we are all of us most anxious to find a way out of these present difficulties."

The time had now come, said Sir Stafford Cripps, when Britain wanted to hand over power to the Indian people. The difficulty was how to accomplish that objective. There were two principles, both democratically sound, but which were very hard to match together in a single process. The first was the right of the majority to determine its own future without any veto or prohibition from any minority. The second was the right of minorities to enjoy freedom and a full voice in the determination of their own future without suppression by the majority.

"The only way in which these two rights can be worked out is in a democratic assembly where there is give and take. We know in this House of Commons a degree of tolerance between parties. The fundamental difficulty, I believe, in India to-day is that the principal bodies have not shown themselves prepared to trust one another or work together on a democratic basis. Deep-seated contention, accentuated by the approach of handing over of power, has bitterly separated those, who alone can determine the future of India. There is no use our girding at the facts of history. We must try to overcome or get round them."

"VIOLENT PROPAGANDA" DEPRECATED

Loud cheers greeted a tribute by Sir Stafford Cripps to the Viceroy of India, Lord Wavell: for his "hard and unceasing labour" in the task of forming the Interim Government. After recalling the event which had led up to this event Sir Stafford said. "The Government is functioning satisfactorily to-day and there have been I am glad to say, no major difficulties within the Government itself. Unfortunately the position is not helped by speeches made in the country by the supporters of the two parties. It is difficult, as members of the Opposition know, if not impossible, to maintain unity within a Coalition Government if an active and bitter struggle is proceeding throughout the country between partisans of the two sides to that coalition".

Sir Stafford Cripps declared that the position had of course been made far worse by the outbreak of violence on a large scale throughout many provinces. It was right to say, Sir Stafford added, that the leaders on both sides had roundly condemned these disturbances and had tried by visiting the areas and otherwise to influence their followers to a more calm and less violent frame of mind.

Referring to the riots, Sir Stafford Cripps said, "This terrible toll of casualties is an index of the intensity of the communal feeling that has come into being and though it will be deplored by everyone who has the interest of India at heart, nevertheless it is a stark and naked fact. It settles nothing. Indeed, it only makes settlement more difficult but is a factor none of us can ignore".

Sir Stafford Cripps recalled that riots broke out in Calcutta after the Muslim League decision to set aside August 16 as "Direct Action Day." These riots, he said, shocked the whole world by their intensity. He referred to the death-roll of some 4,000 and of 10,000 injured. Next came the outbreaks in Eastern Bengal, when gangs of Muslim hooligans carried the reign of terror into those parts with the result that 50,000 evacuees were driven out and some 200 deaths caused. This was accompanied by abduction, rape and forced conversions and as a result wild rumours circulated greatly exaggerating that conduct which was already bad enough.

"Even worse violence and murder broke out in Bihar and spread to the United Provinces. It was not possible to give the casualties in Bihar with any accuracy, but they were practically all Muslims and many were women and children. It was probably not an exaggeration to put the dead alone at 5,000. It was estimated that since September 1, there had been 445 deaths due to serious rioting in the United Provinces."

LONDON TALKS

Referring to the visit of Indian leaders to London, Sir Stafford Cripps said that it was hoped that even at that eleventh hour some accommodation might be possible in the calmer atmosphere of London. The leaders, at these meetings, on both sides, stated that they genuinely desired co-operation in the Constituent Assembly and that they realised that some agreement between the parties was essential as basis for the happy and progressive future of India. Nevertheless, they were unable to come to any agreement as to how the Constituent Assembly should proceed.

Sir Stafford Cripps declared, "the object of the Cabinet Mission was to find means whereby they could balance the desire of the Congress for a strong unitary federation on the one hand with Muslim League's desire for autonomy on the other. That balance was obtained by a limited Centre, the constitution of which was to be worked out by a Constituent Assembly, in which the Congress would have a clear majority on the basis of population on which it was constituted on the one side, and Sections B and C in which the Muslims would have their majority on the other hand; and in which, of course, provincial constitutions and, if so decided, Group constitutions could be worked out for the two Groups of provinces. Thus each party had a majority where it was most deeply interested. It was, however, provided that no province could be forced into a Group against its will."

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DISPUTE OVER GROUPING

Sir Stafford added that the dispute which arose, as to how decision should be arrived at in the Sections, was already a matter of difference when the Mission was in India. Could a province vote itself out of a Grouping and itself determine its own constitution for the province or were both these matters to be decided by a simple majority of the Section? The latter view was clearly the correct one in the opinion of the Cabinet Mission, His Majesty's Government and their legal advisers; and this view was supported by the Muslim League.

The Congress took the contrary view. The Congress had said that they were prepared to submit this question of interpretation to the Federal Court and accept its decision, but on this, to them, a fundamental point, the Muslim League were not prepared to take that risk. There the matter still remained.

Sir Stafford Cripps said that the Government had asserted definitely their understanding of the document and had stated that if the Constituent Assembly desired to refer the matter to the Federal Court then they hoped they would do it quickly so as to remove any doubts in their minds.

But the Government also had to envisage the possibility in the clause in the final paragraph of the Statement. This was perhaps a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results. That position had always been realised by the Congress who had repeatedly said that they would not coerce unwilling areas to accept the new constitution.

LEAGUE COUNCIL TO MEET

Sir Stafford Cripps continued, "I do not wish the House to gain the impression that the position is, therefore, hopeless. We understand that Mr. Jinnah is prepared to put the matter before his Council with a view to ascertaining whether on the basis of the Statement of December 6 they are now prepared to enter the Assembly and we hope that the Constituent Assembly will show their statesmanship and desire for accommodation with the Muslim League by not committing themselves irrevocably to anything that will make it more difficult for the Muslim League to come in at a later date. For the moment, therefore, I cannot take that matter any further.

"It is perhaps a little unfortunate that at this tense and delicate moment we should have been induced to stage a debate in this House."

Mr. Churchill: Are we doing any harm now?

Sir Stafford Cripps: "I hope not. We still have hope that despite the mutual fears and suspicions which reign, the two parties may eventually find themselves side by side in the Constituent Assembly and in Sections, for we are as convinced now as we have ever been, that it is by such co-operation that a satisfactory new constitution for India can be hammered out.

POSITION OF STATES

Sir Stafford then told the House how matters stood with the States and the minorities. Regarding Indian States, the Cabinet Mission laid down two principles as to the relationships of States to the Crown during this period of transition, the first, that during the transitional period of the Interim Government, Paramountcy would remain with the British Crown. The British Government could not and would not, in any circumstances, transfer that Paramountcy to any other government of British India. Second that when the transfer of power takes place in British India, then, if I may quote 'as logical consequence and in view of desires expressed to them on behalf of Indian States His Majesty's Government will cease to exercise powers of Paramountcy'". Sir Stafford said that this quotation was in the Statement made to the States while the Cabinet Mission was in India.

He added, "This means that the rights of the States, which flow from their relationship to the Crown will no longer exist and that the rights surrendered by the States to the Paramount Power will return back to the States again. Proposals were also put forward as to the participation of representatives of the States in the Constituent Assembly and also for a Negotiating Committee representing the States which could settle outstanding matters with the representatives of major communities in British India. These arrangements were welcomed by the Standing Committee of the Chamber of Princes in a press statement on June 19 and the Negotiating Committee has now been set up. In that statement they expressed the view that the Mission's plan provided the necessary machinery for attaining by India of independence as well as a fair basis for future negotiations."

"Not unnaturally Indian States are most anxious that all major communities should be represented in the Constituent Assembly as they do not wish to be in the position of having to deal with one community only. Their ability, indeed, to co-operate must depend to some extent on what happens as regards the entry of the Muslim League into the Constituent Assembly."

PROTECTION OF MINORITIES

Dealing with the minorities, Sir Stafford Cripps said that it would be remembered that in the proposals of 1942, it was laid down that one of the conditions of acceptance by Britain of the new constitution was that there should be a treaty, which among other things would contain a provision for the protection of minorities. "In the proposals of the Cabinet Mission this year the conditions of minorities were stated differently. That is it was stated that a satisfactory provision for their protection should appear in the constitution and this we believe to be a more effective way and, indeed, it is in line with the demands put forward by Dr. Ambedkar to the Viceroy in 1942 when he stressed the ineffectiveness of treaty protection and the need for incorporation of protective provisions in the constitution itself.

"The second point of interest is the provision suggested by the Mission for seeing that proper protection of minorities should be incorporated in the constitution. At first sight, it might appear that this could be done by giving them weightage in the Constituent Assembly. But when the position is examined it will be found that if sufficient weightage is given to

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QUOTATIONS FOR MARCH

NEW YORK, Dec. 12.

's opening price	31.93
us day's opening price	31.29
's closing price	31.61
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NEW ORLEANS COTTON

make the representation really effective for each of the minorities in the Constituent Assembly or in the Sections, then it places the majority parties in an impossible position. It would, for instance, deprive the Muslims of their majority in Sections B and C. In fact quite a lot of minority representatives have been elected to the Constituent Assembly owing to proportional representation and with some assistance from the major parties. These are six Indian Christians, three Anglo-Indians, 29 Scheduled Castes of Congress-sponsoring and two of other sponsoring. The Sikhs, of course, have been dealt with as a major party in the Punjab, which is their stronghold and they themselves have elected their own quota of representatives.

"The Mission felt this was not in itself enough and so proposed an Advisory Committee on, among other things, minorities to attain full representation of all minorities, especially those not otherwise represented in the Assembly and it was the intention that this should be an authoritative body, whose recommendations would carry weight both with the Assembly and the Sections. Those are the general provisions with regard to minorities.

SIKHS' DEMAND

"I would mention two of the special cases, Sikhs and the Depressed Classes. The position of the Sikhs is a very difficult one, because they do not have majority in any single province or area of the country and it is therefore impossible to devise any method of giving them any form of autonomy. They are, however, a very important community, almost entirely centred in the Punjab.

"They wished that the Section, which contained the Punjab to be given the right to veto any provision, which affected their community, just as the Muslim League had such right in the Constituent Assembly itself. That was not possible, because a similar right would have had to be given to the other minorities and if two such vetoes had existed it would have been a certainty that the Section would not have arrived at any decision at all. By avoiding partition which would have divided the Sikhs into two halves they were saved a worse solution from their point of view. The Sikhs were not perhaps in so bad a position as they have thought. Both the other two communities must be anxious for their support. If that very valiant community will exercise patience, they will find they will come very well out of it."

Regarding the Scheduled Castes, Sir Stafford Cripps said, as it turned out they had got two representatives in the Interim Government, one from the Congress organisation and one independent from Bengal who was in fact a sympathiser with Dr. Ambedkar's Federation. In the Constituent Assembly, there were 29 Congress representatives of the Scheduled Castes and two others. He hoped representation would be given to both the organisations in the Advisory Committee on minorities.

"FAIR AND FEASIBLE SCHEME"

In conclusion Sir Stafford Cripps said, "After careful re-examination of the scheme put forward in May last, we are convinced that it is not only a fair but a feasible scheme. Whatever the scheme, it is clear, it can only succeed by co-operation and a certain degree of tolerance whether in the Constituent Assembly or in the Sections. Neither community can force the other to accept its decisions, unless there is sufficient mutual trust of the basic democratic intention of both parties. We hope both the parties may arrive at an agreement between them in which they are both honourably bound, not only in letter, but in spirit.

"We can see no other way in which disaster and civil strife can be avoided. Nor, has any party been able to suggest any alternative method, which is acceptable to the other party. We hope very much that nothing in this debate will accentuate the differences that exist or make more difficult the coming together of these great communities for the future benefit or glory of their country.

"I have attempted to lay before the House some of the important facts of the present Indian situation. I have tried to be objective in the summary which must of necessity omit many incidents. His Majesty's Government are, of course, most deeply concerned with the recent developments in India, anxious as they are to see a rapid and smooth transition to self-government. They believe it is still possible for the plan of the Cabinet Mission to be carried through, but I am convinced, it is essential that all parties in India should call a halt to violent propaganda, which has stirred up the people over the last few months. The first condition of successful outcome in the Constituent Assembly and the Sections is that the parties should show by their conduct outside these bodies the reality of their desire to co-operate within them.

"If this degree of mutual trust can be engendered, there is no reason we can see why within the next year a new constitution cannot be worked out, which will then enable the British people to hand over to the Indian people with dignity and completeness the power they have so long exercised in India and by so doing, complete a great chapter of world development and realise the hopes of so many of those British citizens, who have served British India so long in the past". (Loud cheers).

MR. CHURCHILL'S SPEECH

Mr. Winston Churchill, Leader of the Opposition, began by saying that the Opposition associated itself with Sir Stafford in his appeal to the various leaders of parties in India to abstain from violent propaganda, and invective against each other, which might have the effect of bringing about a recrudescence or intensification of the grave disorders, which had occurred. "Sir Stafford Cripps deplored in moderate terms the fact that we are having a debate on this subject to-day, but it would be a pity if the British Empire in India passed out of life into history without the House of Commons seeming to take any interest in the affair, without any record even in Hansard of the transaction."

Declaring that the Opposition would not divide the House, Mr. Churchill said, "We must indulge the hope that an agreement will be reached between the two great Indian religions and their political parties, which give modern expression to their age-long antagonisms":

Apparently referring to his insistence on having a debate Mr. Churchill said, "If we remain silent after all these months, it might be thought that we were in agreement with His Majesty's Government and that the policy they were pursuing was the national policy and not the party policy of the forces they represent. It might be thought that this was the policy which was endorsed and the execution of which was endorsed by the British people as a whole whereas for good or for ill, the responsibility rests with His Majesty's Government.

"On their heads lies the responsibility, not only for execution but for the impulse they have given to a great many tendencies, which are dominant in this matter to-day.

"I will say nothing to derogate from any utterance or statement made by members of the other parties, but I would be very sorry indeed that as matters unfold in India there should be any question of our being held accountable at the present time for the course of events. Therefore, we are bound to take the opporunity of bringing the affairs to the light of day."

Mr. Churchill added, "There was and still is a general measure of consent here and throughout the land to the final transference of power from the House of Commons into Indian hands, but that that transference if it is to take place, must be based upon agreement and co-operation of the principal masses and forces among the Indian people. Only in this way could that transference take place without measureless bloodshed out there and lasting discredit to our name in the world.

"Those who are acquainted with the general movement of our relations with India over the last 20 years have hoped that the desire of many Indians to be rid forever of British rule and guidance would have brought a melting of hearts among the vast populations inhabiting the Indian continent and that they should have joined together to maintain the peace and unity of India and stride more boldly into their independent future.

CIVIL WAR BOGEY

"It is necessary to place on record the undoubted fact that no such melting of hearts has occurred. In fact, I think that that would be considered an under-statement. On the contrary, all facts and omens point to the revival in acute and violent form of the internal hatreds and quarrels, which have long lain dormant under the mild incompetence of liberal British control. To me, it would come as no surprise if there was a complete failure to agree. As I warned the House in 1931, if we were to wash our hand of responsibility a fierce civil war would immediately break out between Muslims and Hindus. But this warning like others fell on deaf ears."

Mr. Churchill said that he always bore in mind the words used by his father when Secretary for India 60 years ago in 1885: "Our rule in India is, as it were, a sheet of oil spread out over the surface and keeping calm and quiet and unruffled by storms an immense and profound ocean of humanity."

That was a task, commented Mr. Churchill, which with all their shortcomings and through all their ordeals, they had faithfully and loyally pursued since Queen Victoria assumed the Imperial Crown.

"That is the task which we have now declared ourselves willing to abandon, abandon completely, provided we have such assurance of agreement between Indian races, religious parties and forces as will clear us of the responsibility of leaving India to a hideous collapse and catastrophe. We have no such assurances at the present time." (Conservative cheers).

An agreement in India was an indispensable condition. It was the foundation of the Cripps and Cabinet Missions. There is no agreement yet before us, I say yet. There is only strife and bloodshed and the prospect more worse. That is the first point we must take note of—absence of an agreement, which was the common ground between us and would stand as the foundation of future transference of power."

FORMATION OF INTERIM GOVT.

Mr. Churchill said, "The second point was the cardinal error of the British Government when on August 12 they invited one single Indian party, the Congress, to nominate all the Members of the Viceroy's Council (Conservative cheers) thereby precipitating strife and massacres over a wide region (Conservative cheers and Labour shouts of protest) unparallelled in India since the Indian Mutiny of 1857. Indeed, it is certain that more people have lost their lives or been wounded in India by violence since the Nehru Government was installed in office four months ago than in the previous 90 years, four generations of men, covering a large party of five reigns."

That, said Mr. Churchill, was only a foretaste of what might well come in the future. It might be only the first few heavy drops of rain before the thunderstorm broke. This "frightful slaughter" in wide regions had in the main fallen upon the Muslim minorities.

COMMUNAL RIOTS

Quoting reports from "high and credible witnesses" of what had taken place in Bihar, Mr. Winston Churchill said that it cast into shade the Armenian atrocities with which Gladstone once stirred the moral sense of Liberal Britain. "We are, of course, cauterised by all we have passed through ourselves, our faculty for wonder is raptured, our faculty of reason is numb. The world is full of misery and pathos, but it has not stirred us as it would have done our fathers or predecessors in this House".

He doubted very much whether the official figure of 10,000 lives lost since the Interim Administration of Pandit Nehru took over represented half the total of racial and religious murders to date. "This outbreak of animal fury had ravaged many large districts and may, at any time, resume or spread its devastation through the teeming cities and provinces as big as England on the British Isles".

It was some comfort to recall that both Muslim and Hindu leaders had joined together to arrest or at least to mitigate "this appalling degeneration".

Mr. Churchill added, "I have been informed that it was Pandit Nehru himself who gave the order which the Provincial Government of Bihar had been afraid to give, for the police and troops to fire upon a Hindu mob who were exterminating the Muslim minority in their midst. That is certainly to his credit. May it be taken as an encouraging sign. Nevertheless, I must record my own belief, which I have long held, that any attempt to establish the reign of Hindu numerical majority in India will never be achieved without a civil war. Perhaps it will not be in fronts of armies or organised forces but in thousands of different places. Such a war would lead through uncountable agony to an awful abridgment of the population. Any attempt by the Congress Party to establish Hindu rule on the basis of majority, measured by standards of Western civilisation or what is left of it, by proceeding with the forms and formulas of Government with which we are familiar, will at a very early stage be fatal to any conception of the unity of India."

Mr. Churchill added that disputes and deadlock were not the issues at stake. They were only symbols of the passion and hatred of thousands of years. The unity of India was a superficial appearance imposed there by long generations of British rule and it would pass away for long periods of time once the impartial element of guidance from outside was withdrawn.

Another new and important fact, said Mr. Churchill, was the declaration by the British Government that a constitution should be framed by the Constituent Assembly, in which each section of the Hindu population had been represented and that the Government could not contemplate forcing such a constitution on unwilling parts of country. "If this at least is the settled policy of Government, it will carry them far. It comprises within its scope the discharge of our obligations both to the Muslim inhabitants of India and to those who are called Scheduled or Depressed Classes. How this policy will be carried into effect it is not possible to foresee, still less to foretell at this moment. It is indeed a formidable programme.

RECEPTION IN LONDON

LONDON

Indian women, repres
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Vijayalakshmi Pandit,
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A "MORAL ISSU

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must be eliminated."
Pandit concluded: "I am
of the past. Let us now
of which we can be proud

UNESCO CONFERENCE

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is tragic that we have communal
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unity or another, but as Indians",
clared.

Julius Silverman said: "For the
me the world heard the real voice
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's leadership of the Indian dele-
was unique in the sense that she
e only woman to lead a delega-
any country at the United
s, he added.

reception was so overcrowded
any Indian students had to stand
the hall

QUOTATIONS FOR MARCH

NEW YORK, Dec. 12.

opening price	31.93
day's opening price	31.29
closing price	31.61
day's closing price	31.75

NEW ORLEANS COTTON

GROUPING PLAN

CONTROVERSY OVER VOTING PROCEDURE

INDIA SECRETARY'S REVIEW

TORIES FORCE DEBATE IN COMMONS

LONDON, Dec. 11.

Mr. Winston Churchill created a surprise in the House of Commons to-day when he forced a debate on India.

The Government agreed to this taking place to-morrow (Thursday) and Friday.

Earlier the Prime Minister, Mr. Clement Attlee, and the Secretary of State for India, Lord Pethick-Lawrence, had stated that they felt that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospects of a settlement.

Mr. Churchill, however, pressing for an immediate debate said that matters in India were assuming so grave a shape that it was necessary for the nation to have its attention concentrated upon them.

Mr. Churchill added that he made his request after grave reflection and Mr. Morrison said that in view of that, the Government did not feel that they could refuse a debate.

PETHICK-LAWRENCE ON LONDON TALKS

Lord Pethick-Lawrence, Secretary of State for India, told the House of Lords to-day that the British Government felt that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospects of a settlement.

Lord Pethick-Lawrence opened his statement by saying, "The House will have seen that the conversations with Indian leaders which took place during last week have unfortunately ended without an agreement being achieved. As the House knows, the Government issued a statement at the conclusion of the conversations but members will no doubt wish to have some account of the present situation.

"It will be remembered that on May 16 last, the Cabinet Mission made proposals which it was hoped would bridge the gap between the Hindu and Muslim points of view and enable Indians to frame their own constitution by the accepted democratic method of Constituent Assembly.

"In order to provide the most hopeful basis for co-operation in constitution-making, the Cabinet Mission found it necessary to recommend both the outline of the future constitution for India and the particular procedure by which details might be elaborated.

"The essence of their proposals was that, while there would be a Union of India limited to Foreign Affairs, Defence and Communications, there would be an opportunity by the adoption of a particular procedure in the Constituent Assembly for the provinces to form Groups for the administration of such subjects as it was decided should be dealt with in common. To prove this opportunity the Mission proposed that the Constituent Assembly, after a preliminary meeting to decide the order of business, should divide up into Sections two of which cover provinces which the Muslim League claims should constitue Pakistan. These Sections would settle provincial constitutions and decide whether a Group constitution should be framed for the provinces within the Section and if so for what subjects.

"Individual provinces would be free to opt out of a Group after the first election under the new constitution. The intention of the Mission was that the decisions of Sections should be taken by a majority vote.

"Subsequently difference of opinion developed between the Congress Party and the Muslim League as to the meaning of the Cabinet Mission Statement on the question of procedure within the Sections of the Constituent Assembly and it was largely because of misgivings in regard to this that the Muslim League withdrew its acceptance of the Cabinet Mission's plan at the end of July last.

"The Congress view is that provinces have the right to decide both as to Grouping and as to their own constitutions and that therefore decisions in the Sections cannot be by simple majority vote. The Congress, however, have stated that they are prepared to accept the ruling of the Federal Court as to the proper interpretation of the Cabinet Mission's Statement.

"It was mainly in the hope of resolving the difference of view on this matter that the British Government invited the Indian representatives to come to London.

"We had very full and friendly discussions with Indian representatives but I regret to say that up to the present, we have not succeeded in resolving this difficulty. Consequently, the Constituent Assembly which was summoned to meet in India last Monday is holding its preliminary session without representation of the Muslim Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference

BRITISH GOVERNMENT'S DECISION

"In the statement which the Government issued at the conclusion of the conversations, we have said that we have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always said was their intention, namely that voting in Sections should be by a majority vote. This is the view, which is accepted by the Muslim League and on the basis of which they originally accepted the Cabinet Mission's proposals. From their point of view, this is an essential element in the plan because if the agreement of all provinces within a Section is required to the framing of a Group constitution it is probable that the opposition of some of the smaller provinces will prevent Group constitutions being framed.

"The intention of the Cabinet Mission was that while an individual province might be outvoted in a Section, its freedom would be safeguarded by the right to opt out of the Group after the constitution had been framed.

"His Majesty's Government feel that all parties of the Constituent Assembly should agree to work the Scheme in the way intended by the Cabinet Mission, but if the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference should be made at a very early date so that the decision can be known before the meetings of the Sections of the Constituent Assembly take place.

"It may seem to the honourable members that these differences as to matters of procedure are of small importance in relation to the paramount need for securing a constitution for India which has the widest possible measure of consent. A peaceful transfer of power to an Indian Government freely set up by agreement among Indians is a matter of supreme importance, not only for India but for Asia and the world as a whole.

"But it must be remembered that representatives who came to London were not in a position to commit their parties and that the issues stir deep and passionate feelings. Time must be given for the parties, after full debate, to decide their attitude. It may also be that the subject will come under consideration by the Federal Court. In these circumstances, Government feel that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospect of settlement.

APPEAL TO COMMUNITIES

"I am sure I am speaking for all parties in this House in making an appeal to all communities in India to co-operate in framing a constitution which, because it is based on consent, will be welcomed by all and worked in a co-operative spirit."

Viscount Cranborne, Leader of the Opposition, said: "It is no good disguising from ourselves the extremely serious situation that has arisen and that the plan advanced for the constitutional future for India to consolidate the two main Indian communities has not succeeded."

Lord Cranborne said that whether it was a hitch or something in the nature of a breakdown was a matter of opinion on which everybody might hold his views. He thought it would be wiser for them not to make any comment to-day. The situation was clearly delicate and Lord Pethick-Lawrence's statement would require careful consideration.

"In these unhappy circumstances, which have arisen," added Lord Cranborne, "I do feel—and I think I speak for other noble Lords on this side of the House—here are extremely strong arguments for a debate before the House rises. Upto now we have not pressed him unduly on Indian affairs. We have exercised the greatest restraint because we realise what the situation was. I think it is evident there is much elucidation of essential facts needed for the benefit of this House and the country also, for one of our main functions is to inform the country which is badly in need of information.

Viscount Cranborne observed, "Those on the Opposition side of the House for whom I speak—I am sure I speak for all of them—will like to consider this matter of having a debate in the light of the statement the Government has made, as one does not want to come to a hasty decision. If we consider it our duty to discuss this question before the House rises, if it is treated in a statesmanlike manner—and I am sure it will be so treated in this House—I am sure no harm would result."

Viscount Samuel, on behalf of the Liberal Party, said that Lord Pethick-Lawrence's statement brought "our information up to the present date. But I differ from Lord Cranborne as to the desirability of an early debate in this House on Indian affairs. We have considered the matter and have decided not to join in pressing the Government to allocate time for this purpose.

"The principal point referred to in the statement to-day is itself of a somewhat legalistic character. It may indeed be referred to the Indian Federal Court for a decision and I do not imagine that any of your Lordships would be able to express a confident opinion upon it. As to the principal situation, by joint consent the great matters under consideration have been referred for decision to the Indian Constituent Assembly. Although it is true that various hitches have arisen with respect to the constitution and procedure of that Assembly, I do not think that speeches in the British Parliament are likely greatly to help in its deliberations. We agree with the Government's view and doubt whether any useful public service would be rendered by a debate in this House precisely at this present juncture."

The matter then terminated.

CHURCHILL PRESSES FOR DEBATE

Later, the Prime Minister, Mr. Clement Attlee, made an identical statement in the House of Commons.

Mr. Winston Churchill, speaking for the Opposition, then declared, "His Majesty's Opposition have shown over long months great forbearance and restraint in not raising a debate upon India. But I must give the Leader of the House notice that we feel that a debate must now take place. Matters are assuming a very grave aspect and it is necessary that the nation shall have its attention concentrated upon them and that the issues which have to be decided, shall receive their due meed of public attention.

"I ask that the pledge, which was given to us for a full two-day debate, should be made good before we separate for Christmas."

Mr. Clement Davies, Liberal Leader, said that if the negotiations fail, the consequences might be so appalling that one dreaded even to look at them. In these circumstances, while negotiations were still going on, it would be gravely inopportune to say one word now which might jeopardise their success. "I understand that the negotiating parties who have been in this country have gone back to consult their people. Until they do that, I suggest that any reference to a debate might be postponed," Mr. Davies declared.

GOVERNMENT ATTITUDE

Mr. Herbert Morrison, Leader of the House, said that Mr. Attlee had stated that in the circumstances the Government felt that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospect of a settlement.

"We were hoping," he added, "in the light of that that Mr. Churchill would not think it necessary to press for a debate. I do not know whether in the light of what Mr. Clement Davies has said, Mr. Churchill, on behalf of the Opposition, still wishes to press for an immediate debate."

Mr. Churchill replied, "It was not without grave reflection and consultation with my friends that I felt it my duty to ask for a debate before we separated (for the last Parliamentary recess). I still think it is so I should be quite prepared to be in my place when the time comes and to give full reasons which have actuated me".

Mr. Morrison: "In these circumstances, that being a responsible request after consideration by the Opposition I do not feel and the Prime Minister does not feel that we ought to refuse facilities for a debate.

"The House has been in possession, for some time, of the information in regard to Government's proposals for Indian constitutional reform. The pledge was given that an opportunity for a debate would be given at the appropriate time.

"We hoped that the debate could have been delayed but if it is the view of the Opposition that the debate should take place the Government are prepared to table a motion for consideration for to-morrow and Friday".

Mr. Churchill: "I certainly cannot complain of the manner in which the Leader of the House has made good, on behalf of the Government, the undertaking he gave to us".

Mr. William Gallacher, the Communist member, rose to put a further question but the noise was so great that he could not be heard.

The matter then terminated.

Reuter's Political Correspondent writes: Mr Jinnah was present in the House to hear the Prime Minister make his statement, but Mr. Attlee who has a bad cold could scarcely be heard in the Visitor's Galleries.

CONSERVATIVE PARTY OPINION

The Conservative decision to force a debate on India in the House of Commons to-morrow and on Friday was taken only 30 minutes before to-day's sitting began, according to authoritative Conservative sources. The deciding voice was that of Mr. Winston Churchill. One of his colleagues did not want the debate yet and two prominent members of the Conservative Party said this evening that the prospect of a debate at this juncture "depressed" them.

While Mr. Churchill believes that the Conservative Party must now make a stand and clearly define its attitude on the India question, other Conservatives consider that the debate will not help the Conservative Party in Britain, or ease the situation in India.

Mr. Churchill will open the debate for the Opposition and the former Governor of Bengal, Sir John Anderson, and the former Under-Secretary for India and Burma, Mr R. A. Butler, will be the other chief speakers.

The question the whole House of Commons is asking is, "What will Mr. Churchill say"? Some Labour members said to-night that they believed he would demand complete British evacuation of India with the hope that this will force Indian leaders to realise that they cannot at present run the country without British help.

It is not certain yet who the Government spokesman will be. The Prime Minister, Mr. Attlee, has a bad cold and if he is not well enough to take part, the President of the Board of Trade, Sir Stafford Cripps, may open for the Government whose other leading speakers are likely to include the Minister for Defence, Mr. A. V. Alexander, and the Under-Secretary of State for India, Mr. Arthur Henderson.

PERPETUATION OF DEADLOCK

BRITISH POLICY CONDEMNED

In a leading article denouncing the "imperialist oppression" in India, to-day's Communist *Daily Worker* says, "The Cabinet Mission plan for the benefit of Indians has turned out to be a piece of elaborate humbug. Troops are not to be withdrawn. Princes have been elevated to a pivotal position in the constitution and the two major communities, the Hindus and the Muslims, have been thrown into collision with one another.

"The results of this divide and rule enable the White Raj to play the part of sole arbiter. Indian leaders are summoned to London like naughty school boys. Pandit Nehru returns to attend the powerless and misnamed Constituent Assembly, while Mr. Jinnah is patted on the back and given an official assurance that nothing can be done without him.

"Thus the net outcome of the London

...don Passenger Transport Board

...73, 1-12; Travancore Rayons Rs. 9-1; Con-...ted Coffee Rs. 13-12; Chembra Peaks ...2-6, 12-8; Kalasa Teas Rs. 15-12; Mid-...Rs. 11-14; Ouchterlonys Rs. 13-10; Pul-...es Rs. 2-9-6; Periakaramalais Rs. 37; ...Ordys. Rs. 10-14; Be Be Rubbers Rs. ..., 4-8; Teekoy Rubbers Rs. 6-13; Nel-...thys Re. 1-13-6, 1-14 and Waterfalls ...

...UPUR COTTON MARKET

TIRUPUR, Dec. 10.

...following are the current market ...ns :

...lint per candy of 784 lbs : Cambodia ...p best quality Rs. 632 to Rs. 644; ...nni first crop best quality Rs. 561 to ... Cambodia first crop average type Rs. ...s. 629; Karunganni first crop average ... 543 to Rs. 558 and Cambodia low ...o Rs. 590 to Rs. 611.

...(i.e. cotton with seeds) per ... Cambodia first crop best q... 96; Karunganni first crop ...87-8 to Rs. 88; Cambodia ...type Rs. 93 to Rs. 94; K... average type Rs. 86 to ... outside crop Rs. 90 to ...seeds per baram of 1,000 ...ds Rs. 130 to Rs. 138 and ... 150 to Rs. 155.

...C. Statement : Quanti... 30-11-'46: 28,442 candies ...d; 60,852 bales of 400 lb...

...OMBAY MARKE...

THE STOCK EXCHANG...

BOMBAY

...ck Exchange opened ...cutta advices inducing e... Steels and Textiles ... bear selling caused pri... decline gradually, t... a weak note. Among M... ...ndias and Burmahs als... lack of support. Banks ... displayed some activity ...

...owing are the closing ...

GOVT SECURITIES

	Rs	A.			
...-52	101	0	6	3%	1966-6
946	Not quoted			,,	1986
949-52	102	10		3½%	1949-5
951-54	103	12		4%	1960-7
953-55	103	14		4½%	1955-6
963-65	103	15			

BANKS

	115	8	Bank of Ind...
al F.P.	2,697	8	Reserve
P.P.	660	0	

TEXTILE MILLS

abad			Indian
ce	530	0	Bleaching
India	2,642	8	Phoenix
	408	0	Sholapur
	1,125	0	Simplex
Land	465	0	Swadeshi
	359	0	Vishnu
r	869	0	

MISCELLANEOUS

	583	12	Tata Power
Sugar	349	0	Tata Hydro
-Burmah			,, Steel defd
	662	8	,, Ordy.
-Burmah			,, 1st pref.
	244	6	,, 2nd pref.
Steam	732	8	Burmah Corp
Tram	123	8	Indian Coppe...
Petrol	5	1	9 Associated
Steam	45	6	Cements
ur	49	0	New India, Insurance
	1,855	0	Ajmer Elec.
tion	294	0	Suburban Ele...
ron	47	2	

BULLION AND COTTON

...opened steady with spot at ...ery at Rs. 131-12. Business e... ...ctive on speculative buy... but at higher levels profi... touched off by foreign advic... ...wer offers in New York. The ...iet at Rs. 139 and first set ...-12 and second at Rs. 123-4. ...pened steady with spot at ...ry at Rs. 94-6. There was lit... hardly any important chang... awaiting fresh incentives. Th... quiet at Rs. 100 and Rs. 93-... ...pened steady with January ...s. 466-8. Prices early advan... ...rt covering but eased later o... ...sing and closed quietly s...

...sing prices are : Jarilla J... March Rs. 477-12; May Rs. ...96-12 and September Rs. ...ighest Rs. 469-0 to Rs. 469-... 466-0 to Rs. 466-4.

Banks Selling T.T. 1/5-3... 31/32d. Buyers: 3 Months ...and New York T. T. Rs. 3... ...ll money 1%.

...TA SHARE MARKET

CALCUTTA, Dec. 11.

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MUSLIM LEAGUE'S POLICY

GROUPING PLAN

BRITISH CABINET ON VOTING CLAUSE

NEHRU LEAVES FOR INDIA

Hindu 8-12-46

LEADERS TO CONSULT COLLEAGUES

LONDON, Dec. 6.

The following statement was issued by the British Government to-night on the conversations with the Indian leaders:

"The conversations held by His Majesty's Government with Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Mr. Liaqat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India to-morrow morning.

"The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It is not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

GROUPING CLAUSES OF CABINET PLAN

"The main difficulty that has arisen has been over the interpretation of Paragraph 19, (5) and (8) of the Cabinet Mission's statement of May 16, relating to meetings in Sections, which runs as follows:—

19 (5) These Sections shall proceed to settle Provincial constitutions for the Provinces included in each section and shall also decide whether any Group constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces should have the power to opt out of the Groups in accordance with the provisions of sub-clause (8), below:

Paragraph 19 (8): As soon as the new constitutional agreements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the first General Election under the new Constitution.

BRITISH GOVT.'S INTERPRETATION

"The Cabinet Mission have throughout maintained the view that the decisions of the sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the Statement, read as a whole, is that the Provinces have the right to decide both as to Grouping and as to their own constitutions.

"His Majesty's Government have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the Statement, as so interpreted, must, therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

"It is however, clear that other questions of interpretation of the statement of May 16, may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan.

REFERENCE TO FEDERAL COURT PROVIDED FOR

"On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission in order that a way may be opened for the Muslim League to reconsider their attitude. If, in spite of this reaffirmation of the intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference should be made at a very early date. It will then be reasonable that the meetings of the Sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.

"There has never been any prospect of success for the Constituent Assembly except upon the basis of agreed procedure. Should the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country."

FAILURE OF PARLEYS

LONDON, Dec. 6.

The eagerly-awaited last-minute Round Table Conference between the Congress, Muslim League and Sikh leaders and the British Government at No. 10, Downing Street to-night failed to achieve immediate results.

The Round Table parleys nevertheless, are believed by political quarters to have served a useful purpose and may yet prove to have laid the groundwork for some future progress, cables Fraser Wighton, *Reuter's* Political Correspondent.

The Conference lasted 70 minutes. During that time the British Prime Minister, Mr. Clement Attlee, his Ministers, the Viceroy, Field Marshal Lord Wavell, the Congress leader, Pandit Jawaharlal Nehru, the Muslim League President, Mr. Jinnah, his colleague, Mr. Liaqat Ali Khan, and the Sikh leader, Sardar Baldev Singh, held a general discussion.

Eventually an official statement was issued by the British Government.

Its general effect is to restate the present constitutional position as the Government see it in the light of the Cabinet Mission's Statement of May 16 and to reaffirm the Cabinet Mission's view of interpretation of the paragraphs on Grouping which have produced so much controversy between the Congress Party and the Muslim League's adherents.

The broad effect of the official statement is to reaffirm His Majesty's Government's view that no constitution which would cover India as a whole will be forced on India as a whole against the decision of a large section of the population.

The British Cabinet Mission's proposals for the Constituent Assembly envisaged meetings in three Sections. The first Section is to include representatives from Madras, Bombay, the United Provinces, Bihar, the Central Provinces and Orissa.

This Section, preponderatingly Congress, is to consist of 167 General seats and 20 Muslims with a total of 187.

The second Section is to consist of the Punjab, the North-West Frontier Province and Sindh with nine General seats and 22 Muslims and four Sikhs.

The third Section comprises Bengal and Assam, giving a total of 34 General seats and 36 Muslim seats, making altogether 70.

There are to be 292 representatives for the whole of British India plus 93 for the Indian States making the grand total of 385 representatives in the Constituent Assembly, which is to frame independent India's constitution.

It is made clear by authoritative quarters that to-night's official statement from Downing Street is not a joint agreed statement.

Indian representatives knew that it was being issued, but they are not signatories to it. It is purely a British Government statement and obviously Indian leaders must consult their colleagues in New Delhi before any decisibn is made upon it. No agreement so far has been reached between the parties.

The statement suggests the British Government's belief that if the Congress will accept the Cabinet Mission's interpretation of Grouping, which is the immediate problem, some modification of the Muslim League's attitude might result. At the moment the League is boycotting the Constituent Assembly, which will meet on Monday to begin the work of framing a constitution for independent India with the Muslim League unrepresented.

CONGRESS MAY REFER ISSUE TO FEDERAL COURT

It may be that the Congress, notwithstanding the British Government's new statement, will want to submit the fundamental point at issue to India's supreme judicature—the Federal Court. The statement suggests that, if so, this should be done as soon as possible.

On the question of procedure in the forthcoming Constituent Assembly the view appears to be that provided the two parties themselves can agree on the procedure or are willing to accept the rulings of the Federal Court on points of interpretation, well and good. The British Government's main concern and responsibility will arise in relation to the ultimate outcome of the Assembly—that is the constitution to be framed by

reaffirming the Cabinet Mission's proposals on India of May 16 is that this may possibly lead to some fresh attempt at agreement between the parties.

NEHRU LEAVES FOR INDIA

LONDON, Dec. 7.

Pandit Jawaharlal Nehru, and Sardar Baldev Singh left London airport for India at 8-27 a.m. G.M.T. (1-57 p.m. I.S.T.) to-day.

Pandit Nehru and Sardar Baldev Singh left in a Lancaster plane, which is to make the journey almost non-stop. The aircraft is expected to reach Delhi by about 6 p.m. to-morrow.

Pandit Nehru and Sardar Baldev Singh were seen off at the airport by a large party which included the British Defence Minister-Designate, Mr. A. V. Alexander, the India Under-Secretary, Mr. Arthur Henderson (representing Lord Pethick-Lawrence), the High Commissioner for India, Sir Samuel Runganadhan and Mr. George Abell, Private Secretary to the Viceroy, Lord Wavell.

More than 100 police were on duty at the London airport when Pandit Nehru and Sardar Baldev Singh left this morning with their respective Secretaries.

On Pandit Nehru's arrival at the airport, a gathering of Indians was there to greet him. Newsreel cameramen photographed his departure.

The Congress leader declined to make any farewell statement.

On his way to the plane, Pandit Nehru was asked if he had anything to say concerning his mission. He smiled and merely said: "Good-Bye."

According to the present arrangements, the aircraft will reach Lydda this evening, stay there a short time, then flying through the night, reach Karachi to-morrow at lunch time, and Delhi by early evening.

In spite of a cold frosty morning, Indian women in colourful saris worn under fur-coats cheered as the Indian leaders slipped into the plane. They shouted in Hindustani "Long Live Nehru"—"Long Live Baldev Singh"—Long Live India."

As the plane took off into the early morning mist, it was a little more than 12 hours since the Round Table Conference which the Prime Minister had called at Downing Street had failed to produce any definite plan for Indian constitutional difficulties.

NO FURTHER TALKS IN LONDON

The London talks have not succeeded, but they have provided the leaders and the British Government with an opportunity for an exchange of views which may yet prove valuable.

There will be no attempt to continue the discussions after Pandit Nehru's departure.

Mr. Jinnah is remaining with his colleague, Mr. Liaqat Ali Khan, but this is understood to be for reasons that have nothing to do with the constitutional talks.

"NO JUSTIFICATION FOR MUSLIM ATTITUDE"

BOSTON, Dec. 6.

An editorial in the *Christian Science Monitor* said to-day that "it is hard to find any rational justification for the Muslims' refusal to give the Constituent Assembly at least a chance to work out a compromise that would provide an effectve guarantee of Muslim rights. It is the first job of the British Government to make Mr. Jinnah see this."—U.P.A.

"TIMES'S" APPEAL TO INDIAN LEADERS

LONDON, Dec. 7.

The British Government's statement on the position in India is printed prominently on front pages of London newspapers this morning, but it was issued too late for editorial comment in all but two of them.

The Times says that although last night's meeting was no more successful in promoting an immediate agreement among the Indian delegates, than the separate conversations with individual groups earlier in the week, it provided an opportunity for the Government to make their own position plain in the considered statement.

"It is now expressly declared that the Constitution framed by the Constituent Assembly in which a large section of the Indian population is not represented, cannot be forced upon parts of the country unwilling to accept it" continues *The Times*. "Thus the assurance for which the Muslim League has been waiting is now forthcoming and there can be no reason now why Mr. Jinnah and his colleagues should not accept the suggestion of referring the dispute over the interpretation of the plan of May 16 to the Federal Court.

"The task upon which the Government have been engaged this week, involves an issue even more momentous than the success or failure of their Indian policy. What is at stake is the unity of India and the London conversations represent an endeavour, perhaps the last endeavour this country can make, to prevent India from falling into halves. Until the suzerainty of the British Crown was accepted from Kashmir to Cape Comorin, and from Baluchistan to Bengal, Indian unity was never achieved, though poets, philosophers and statesmen had dreamed of it from time immemorial. It is the supreme contribution of Britain to the development of Indian [illegible] of the congeries of races,

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SUNDAY, DECEMBER 8,

MUSLIM LEAGUE'S POLICY

MR. JINNAH EXPLAINS

BRITAIN'S OBJECTIVE

"To preserve it and transfer it intact to Indian hands has been the principal aim of British policy. This policy derives from the decision of the British people and not of any political party to transfer authority in India to an administration based upon the support of the major communities. The Cabinet Mission made it clear at that time that if the major communities accepted the Plan, or indeed, if they themselves could devise something they preferred, which would achieve the same objective of administration and constitution based upon their broad agreement, Britain would give effect to their choice of means, whereby, British authority could be vested in Indian hands.

"Although the Congress Party's one-sided interpretation of the provision for grouping of the provinces was duly corrected by the Cabinet Mission, there was no sustained assertion by the Government that persistance in this interpretation would destroy the whole basis of a compromise and would render the Party's acceptance of the Plan meaningless from the Muslim point of view.

"The Muslim League thus acquired a substantial grievance but injured its case by the desperate step of denouncing the Plan and threatening recourse to "direct action". It was at no time the intention of the British people that the Congress Party alone should constitute the succession Government. The course of events may seem to have brought this very near, but it is plain that British authority could never have been employed to coerce the Muslim League into subordination. Now that the Government's policy has been clarified, it is open to Mr. Jinnah and his colleagues to play their part in the advance of India to self-government, secure in the knowledge that they cannot be deprived of that share of power to which they are entitled by the fundamental condition of Britain's offer to the Indian people as a whole. Grave responsibility has been placed squarely upon their shoulders", *The Times* concluded.

THE CONSTITUENT ASSEMBLY

WON'T BROOK OUTSIDE INTERFERENCE

PANDIT NEHRU EXPLAINS STATUS

(FROM OUR CORRESPONDENT.)

LONDON, Dec. 6.

"The Constituent Assembly will be a self-directing and self-determining body which will not tolerate outside interference," said Pandit Jawaharlal Nehru, addressing Indian Press correspondents on the eve of his departure for India at his headquarters in Dorchester Hotel to-night.

Reading British newspapers, Pandit Nehru said, one got the wrong impression that there was an impending tragedy in India which was to be verted by bringing them (Pandit Nehru and the three Indian leaders) to London for a "magical settlement". "The situation in India is in many respects distressing, but it is nothing to get excited about," he said. "It is a tragic situation which has considerable history behind it. It cannot be remedied by a magic wand. It will take a little time. It is no question of legal argument being settled this way or that but of people's minds being changed.

"Questions of success or failure of talks have no meaning. The major thing is that the Constituent Assembly will be meeting in three days' time. The Muslim League will not be in it. It is a mechanical impossibility for them to be in it in three days' time.

"The preliminary session of the Constituent Assembly will last about a dozen days and will deal with formalities and technicalities. The full session of the Assembly will meet three months later with committees working during the period in between." "We shall," he said, "make every effort naturally to get the largest possible measure of support. The thing to remember is that the Constituent Assembly is meeting even though all its members will not be present."

DANGER FROM WITHIN

Pandit Nehru added: "The Constituent Assembly is a new kind of organ which once it meets will be self-governing and self-determining and will receive no directions from anyone outside. At the same time, it will work within certain framework laid down. It will do what it chooses. The real thing that might limit its self-determining powers is no external authority but internal factors of the situation. If internally it cannot succeed, it can't go far.

"We recognise that and, therefore, we intend to make it succeed internally. The important thing about the Constituent Assembly has been and is that something has been created which, however small its beginnings might be, has the capacity for growth and can go in any direction it chooses. What is most necessary in India generally is absence of any interference which will only be resented and will create complications. Any Indian problem can only ultimately be solved by the people themselves. If others try to solve them, it will result in a worsening of the situation. Compulsion will be resisted and will nullify the chief virtue of the Cabinet Mission's plan to give a very large measure of self-determination.

"Apart from the long-term plan of the Constituent Assembly, it is necessary to avoid interference in the working of the Interim Government because both are intimately related. If India is going to be free soon—as she is going to be—this should be reflected in the working of the Interim Government.

"The Political Department which deals with Indian States, still continues to be completely separated from the rest of the Government of India which is an anomaly. This anomalous situation gives rise to daily trouble. All these problems are so closely related that they cannot be separated or considered apart from each other," Pandit Nehru concluded.

OPENING DAY'S PROGRAMME

NEW DELHI, Dec. 7.

The order paper for the opening meeting of the Constituent Assembly on December 9 contains the following five points:

1. The temporary Chairman takes the chair.
2. Opening remarks of the temporary Chairman.
3. Members present credentials and sign the register.
4. Moving of a resolution prescribing the procedure for the election of the permanent Chairman.
5. The temporary Chairman will announce the date and time for nomination and election of Chairman.

BRITISH CABINET'S STATEMENT

WEIGHTED IN FAVOUR OF LEAGUE

REACTIONS IN DELHI CIRCLES

(FROM OUR CORRESPONDENT.)

NEW DELHI, Dec. 7.

For final reactions to the British Cabinet's statement issued from London last night, the Congress Working Committee will necessarily await Pandit Nehru's arrival to-morrow evening. An emergency meeting of the Committee will be held immediately after his arrival to enable him to give a detailed account of the London conversations. At the present moment, therefore, there is no disposition on the part of Congress leaders to jump to conclusions.

It is, of course, recognised that the document seems weighted in favour of Mr. Jinnah and the Muslim League. "What is the use of making a reference to the Federal Court?" many members of the Constituent Assembly were heard to say, "after the Cabinet Mission had categorically endorsed Mr. Jinnah's interpretation of the passage relating to grouping and sections and even cited expert legal opinion to reinforce it?"

Acharya Kripalani, President of the Congress, in welcoming the members of the Constituent Assembly to-day made a passing reference to it. Nevertheless, the results of Pandit Nehru's visit to London will be assessed only in the light of his appreciation. There are points on which no light is now available. It remains to be seen, as Acharya Kripalani observed, whether the Muslim League

"REVIEW THE POSITION"

sooner the British Government and ple of Great Britain realise the truth will come into the Constituent Assembly or boycott it; or if they enter it, whether they will co-operate or merely obstruct and delay its work.

There was significance in Acharya Kripalani's admonition that the Constituent Assembly must proceed with the greatest circumspection because of the delicate issues which have arisen. In the history of Constituent Assemblies from the time of the French Revolution, he thought, no task was more complicated or difficult than that which faced India's Assembly.

There is, of course, among the rank and file of Congressmen disappointment that the Labour Government's statement is one-sided and takes no account of the fact that the Muslim League entered the Interim Government without accepting the long-term plan. Even now, it is not certain that the League will be satisfied and come into the Constituent Assembly to hasten the country's freedom. What Pandit Nehru and his colleagues will do in the event of Mr. Jinnah not accepting the long-term plan, in spite of the British Cabinet's latest statement, is not a matter which primarily concerns the Constituent Assembly. Indirectly, however, it will affect the Assembly's deliberations and programme.

Lord Wavell will return, it is believed, in about a week's time. How far it is true that the Viceroy will adopt a more liberal attitude towards the Congress members of the Interim Government, one cannot judge until his return. Incidentally one may say that Sir John Colville, Acting Viceroy, has created a pleasant impression. Having worked with a popular Ministry in Bombay, he instinctively understands the technique of a government which is responsible to the legislature.

CONGRESS DISAPPOINTMENT

The Associated Press of India adds: While authoritative Congress and League views on His Majesty's Government's latest statement will not be forthcoming till the leaders return from London and hold meetings of their Executives, the general feeling among the rank and file of the Congress is one of deep disappointment as against the quiet satisfaction evident in League circles.

Congress disappointment arises from four points which, according to Congressmen, emerge from the statement. Firstly, the original conception that the Federal Court was to be moved only to determine whether a particular point is a major communal issue or not is now enlarged to an unconscionable extent. Under yesterday's statement, any point of difference is referable to the Federal Court.

Secondly, even if the Congress decides to refer to the Federal Court the question of Grouping, neither the League nor His Majesty's Government is bound by the Federal Court's verdict.

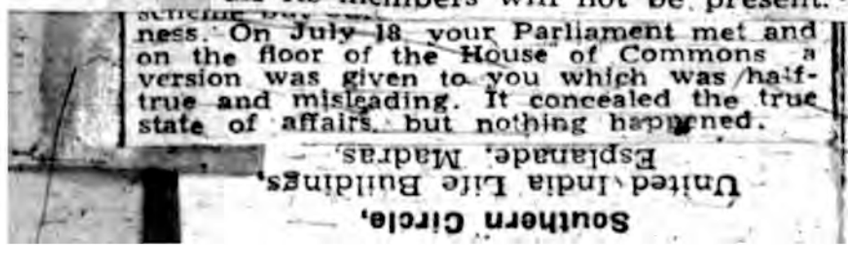
Thirdly, a Section has power by a simple majority vote to impose a constitution on a province within the Section, no matter whether that province likes such a constitution or not.

Fourthly, if the League does not come into the Constituent Assembly, no constitution framed by the Assembly has a chance of being accepted by His Majesty's Government. This is as good as rearming the minority with the power of veto which the British Premier previously declared it should not have.

Doubt is expressed in Congress circles whether it would be profitable to refer the question of Grouping to the Federal Court as suggested in the statement, but a decision on this matter will only be taken by the Working Committee.

League opinion expresses special satisfaction with the declaration by His Majesty's Government that no constitution framed by a Constituent Assembly in which a large section of the Indian population is unrepresented could be forced upon any unwilling part of the country. Leaguers think the next move must now come from the Congress, who must decide whether they accept the British Government's interpretation or wish to take the matter to the Federal Court.

It is felt that on this point, the statement is ambiguous. First, it says that H.M.G.'s interpretation is an essential part of the scheme. Later, the statement goes on to say that the matter may be referred to the Federal Court. Whether these two parts of the statement are reconcilable or not, the League position is stated to be that it is not bound by any ruling given by the Federal Court.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NOAKHALI RESCUE RELIEF & REHABILITATION COMMITTEE.
Suggestion for Immediate Legislation
Re: Forcible Conversion
From Shree Nagendra Kumar Guha Roy, Member A.I.C.C. & Member, Executive Committee Noakhali Rescue, Relief & Rehab. Comm.
IN THE BACKGROUND OF NOAKHALI TIPPERAH HAPPENINGS.

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WORKING COMMITTEE TO BE CONSULTED

NEW DELHI, Dec. 7.

The Congress President, Acharya Kripalani interviewed by the Associated Press of India to-day on H.M.G's statement said, "I have read the statement. I have nothing to say at this stage. The whole matter will be reviewed by the Working Committee on the return of Pandit Jawaharlal Nehru to-morrow."

The Congress President, to-day had discussions with Sardar Vallabhbhai Patel and Dr. Rajendra Prasad.

The Congress Working Committee will meet at 9-30 a.m. to-morrow at the residence of Sardar Vallabhbhai Patel.

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MEETING OF CONGRESS MEMBERS

ACHARYA KRIPALANI'S APPEAL

NEW DELHI, Dec. 7.

Congress members of the Constituent Assembly met to-day in an informal meeting for preparatory discussions.

Acharya Kripalani, Congress President, who presided, gave a brief outline of the tentative programme of the Constituent Assembly till December 23, when it is expected the House will separate into sections.

The programme includes election of a permanent Chairman, adoption of rules of procedure, appointment of a States Consultative Committee, an advisory committee on fundamental rights, protection of minorities and administration of tribal and excluded areas, a committee for more clearly defining the scope of the subjects to be assigned to the Union of India and various committees and office-bearers provided for in the rules.

It is understood that the Congress will, at a suitable stage, bring forward a resolution outlining the objectives of the Constituent Assembly.

The resolution which is on the lines of the one passed at Meerut is expected to declare the Assembly's resolve to proclaim India as an independent, sovereign republic, to secure to all the people of India certain fundamental rights and grant adequate safeguards for minorities, backward areas and classes.

Urging the members to transact the business of the Assembly as speedily as possible, the Congress President said: "The more time you take in the Constituent Assembly, the less efficient will it be. If you cannot do your work quickly, I think you will never be able to do it." He hoped that not only Congressmen but also non-Congressmen elected on the Congress ticket and Congressmen belonging to any group or party would obey the whip of the Congress.

"We are meeting in a city which is the graveyard of dead and dying empires," he remarked jocularly.

Among those who attended were: Dr. Rajendra Prasad, Mr. Asaf Ali, Mr. C. Rajagopalachari, Mr. Jagajivan Ram, Maulana Abul Kalam Azad, Mr. Sarat Chandra Bose, Dr. Shyama Prasad Mookherjee, Mr. K. M. Munshi, Mrs. Sarojini Naidu, Sir S. Radhakrishnan, Sir Hari Singh Gour, Dr. Profulla Chandra Ghosh, Sir N. Gopalaswami Iyengar, Provincial Premiers, Dr. M. R. Jayakar and Sardar Pratap Singh.

ASSAM PREMIER'S CRITICISM

NEW DELHI, Dec. 7.

Mr. Gopinath Bardoloi, Premier of Assam, in a statement described the British Government's interpretation of their statement of May 16 as unreasonable and contrary to the principles of democratic Government. He said that this would mean forcing provinces which attained some status under the 1935 Act to submit to the dictates of larger provinces.

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MUSLIM LEAGUE'S POLICY

MR. JINNAH EXPLAINS

CRITICISM OF CABINET MISSION'S WORK

LONDON, Dec. 13.

Mr. M. A. Jinnah addressed his followers in Great Britain in London tonight in the same crowded Kingsway Hall that was the scene a week ago of Pandit Jawaharlal Nehru's triumphal reception.

Pipes of the great organ in the Hall were bannered with silken-flagged slogans—green crescent flags of the Muslim League. The main slogan was "the Muslim League Branch of Great Britain welcomes Quaid-e-Azam Jinnah and Mr. Liaqat Ali Khan." Over the balcony was draped another slogan "Sixty million untouchables of India are a blot on the civilised world. The Cabinet Mission and the Viceroy betrayed them and the Muslims to appease the Fascist Congress". This was a slogan from the Coventry branch of the League.

Leaguers from all over Britain crowded the hall—the headquarters of London's Methodist Church—to hear their leader. Outside the hall, stamping their feet to keep out the cold of a foggy December night, were squads of uniformed and plain-clothed police. British Press photographers filled the front row of the hall. As Mr. Jinnah entered the hall, shouts of "Pakistan Zindabad" and "Quaid-e-Azam Zindabad" were raised.

The meeting opened with a recitation from the Koran by Ali Basha of the East London Mosque. Mr. Ali M. Khan, President of the Muslim League of Great Britain, presided.

Behind Mr Jinnah sat branch Presidents and officials of the League in Britain. Nearly all wore western clothes but a few were turbaned or wore Jinnah caps. Sitting with Mr. Jinnah were Mr. Liaqat Ali Khan, Secretary of the Muslim League, and Mr. M.A.H. Ispahani. Mr Jinnah spoke slowly and haltingly at first. His opening sentences were difficult to hear as the microphone was not working properly.

Mr. Jinnah said: "I am glad that I have been given this opportunity of giving you facts about India. It is a long story. It seems, during the few days we have been here now I notice from your Press that the British people were asleep during the last seven or eight months while the Labour Government was handling the problem of India. Now I see there is a change."

Mr. Jinnah reviewed the work of the Cabinet Mission and repeated the charge that the Congress had not in fact accepted the long-term scheme. They accepted it on their own terms, with reservations and with their own interpretation of one of the most fundamental and basic points—known as the Grouping clause. "To our disappointment, the Cabinet Mission took an attitude which, to say the least, was most amazing. What did they do? They accepted what I would have characterised as non-acceptable and they passed out to the world and actually misled the British Parliament that the Congress had accepted the long-term scheme."

BETRAYAL OF MUSLIM LEAGUE

Turning to the negotiations over the composition of the Interim Government and the Congress' rejection of the Viceroy's proposals of June 16 Mr. Jinnah said: "They (the Congress) rejected it on June 25. On the same day we accepted it. Then there was another amazing fact. I have not yet been able to understand exactly what was the influence which made the Cabinet Delegation not only scrap it on grounds which in my judgment—and I think it is the judgment of many impartial men—was nothing but a perversion of the true meaning of the construction of Para 8. They said: 'Now we shall begin afresh'. Then we complained that this was most unjust and unfair. We added, 'In that case postpone the long-term plan'. The Cabinet Mission said, 'No', the preparations had gone too far ahead and they must proceed. That was an interpretation revolting and repugnant to commonsense. On that construction the Congress had accepted the long-term and rejected the short-term plan. Their attitude was 'We must scrap the thing and begin afresh.' It was a betrayal of the Muslim League and the Mussalmans—betrayal number one. Then what did we find? It was postponed for a month. Preparations for the Constituent Assembly, however were to go ahead. Naturally, we protested. We issued statements. I do not know whether they reached you here or not, but we made our decision clearly.

"About the end of July a proposal was sent for the Interim Government—a fresh one. I do not want to worry you about the details of it but it was a fundamentally and entirely different one. It was a landslide as far as the Muslim League was concerned—a going down a descent and such that we were unable to accept. In the meantime we were making it clear that the Congress had not accepted the long-term scheme but ours was a voice in the wilderness. On July 18 your Parliament met and on the floor of the House of Commons a version was given to you which was half-true and misleading. It concealed the true state of affairs, but nothing happened.

ATTACK ON CONGRESS

"We had to consider this very serious position with which we were faced. We called a meeting of the Council of the All-India Muslim League and met on July 29. In the meantime pronouncements of Congress leaders were made known and Pandit Jawaharlal Nehru's was the worst of the lot. They said: 'We are going to the sovereign Constituent Assembly. We will decide what we think proper.' As to the scope of the proposed Union, it was confined only to three matters. They were Foreign Affairs, Defence and Communications, but Pandit Jawaharlal Nehru made it clear that it was for the Constituent Assembly to take any decision they liked. We had no alternative except to withdraw our assent that we had given on June 6. But we said that later on we were willing to consider a change in the formula of the Indian Government and our assent to the proposal embodied in the Statement of June 16, which were the final proposals of the Cabinet Mission and the Viceroy. We came to the conclusion that there was no room for reason, intelligence or fairplay."

Throwing wide his arms in a characteristic gesture of despair, Mr. Jinnah said: "I am sorry to say that your Delegation has throughout at every critical stage really worked under the mortal fear of incurring the displeasure of the Congress. Why?" He answered his own question by adding, "Because the Congress at every critical stage now, as then, has the fundamental policy that they would resort to mass civil disobedience at any moment they thought necessary. We have made concessions. We have given up a lot for these reasons.

"And believe me I am telling the truth. We think an amicable and peaceful settlement is far better even if we have to sacrifice something substantial for it." This statement was greeted with loud applause.

Mr. Jinnah continued: "We thought that we would make our sacrifice on the altar for achieving freedom for all of us. Let me tell you the Congress has been adamant. It has not budged an inch (cries of 'shame'). Unfortunately for our country and our people they are going headlong on a mad career." (There was an interruption when someone shouted "Hear, hear").

THE PAKISTAN DEMAND

"They (Congress) are responsible for obstructing the freedoms of the people of India", Mr. Jinnah said: "What is it we want? What are our utmost demands? The answer is, Pakistan." (There were shouts of "Zindabad" from the audience).

Mr. Jinnah went on to explain what he meant by Pakistan. "What is Pakistan?" he said. "What is so terrible about it? How is it going to harm the Hindus or prejudice them? In the north-west and north-east zones of India, which are our homeland and where we are in a majority of 70 per cent against Caste Hindus, we say we want a separate State of our own. There we can live according to our own notions of life. The differences between Hindus and Muslims are so fundamental that there is nothing that matters in life upon which we agree. It is well known to any student of history that our heroes, our culture, our language, our music, our architecture, our jurisprudence, our social life are absolutely different and distinct. We are told that India has been one for a long time. I tell you that the so-called one India is British made. It was made by the sword. It can only be held by the sword, as it has been held. Do not be misled by anyone saying that India is one and why, therefore, should it not continue to be one. Pakistan presupposes that Hindustan should also be a free State. What would the Hindus lose? Look at the map. They would have three-quarters of India. They would have the best parts. They would have a population of nearly 200,000,000. Pakistan is certainly not the best part of India. We should have a population of 100,000,000 all Muslims. What is the objection to these proposals of ours? We should be free. Let me say these are big States. How many States are there in this world with a population of 100,000,000? You see it is not a small thing. Let us live as good neighbours with the Hindus just as America lives in a friendly way with Canada, as do many of the States in North and South America. Unfortunately Europe has not shown this spirit, but nevertheless is it not a big proposition to suggest that the whole of Europe should be one and that there should be one Government? I know many idealists who desire it. But they also desire that the whole world should be one and that there should be one Government."

"It is a noble idea" cried Mr. Jinnah, but he dropped his voice dramatically to add in a whisper, "but such ideals are not achieved easily. Then I say what is the objection to it (Pakistan)? The only objection is that Hindus want the whole. If the whole is offered to them then we are reduced to nothing but a minority. Therefore, the problem is: Is Britain going to stand with its bayonets and hand over authority to the Hindu majority? If that happens you will have lost every cent of honour integrity and fairplay. Democracy is alien to Hindu society. I do not want to show any disrespect for any other society, but Hindu society is caste-ridden and caste-bound. The untouchables have no place socially, economically or in any way at all. Democracy is in the blood of Mussalmans who look upon complete equality of mankind. I give you an example. Very often when I go to a mosque my chauffeur stands side by side with me. Mussalmans believe in fraternity equality and liberty. How can a minority put a stop to a majority? It is bunkum. We are not putting a stop to a majority. But we are entitled to establish our Government."

"REVIEW THE POSITION"

"The sooner the British Government and the people of Great Britain realise the truth and the actual conditions in India, the better it will be not for your nation but for the Hindus and Muslims. It is, therefore, for the British Government not to evade the truth but to face the problem boldly and frankly. If you go on like this there might be a terrible disaster difficult to control.

"Review the whole position. There is no other way unless you want to triumph at the cost of thousands of lives. There is no other way but to divide India. Give Muslims their homeland and give Hindus Hindustan".

On the subject of the Cabinet Mission, Mr. Jinnah said: "We were within the orbit of constant discussion and negotiation. There was no room for argument. Every time someone in the Congress said no, something else had to be done immediately. In those circumstances we thought there was no course for us to take but to resort to power politics. For the first time since 1906 the Council of the League decided on a different policy. The Viceroy took no notice of anything we said. I do not know who was responsible for this.

"The next step was that the Muslim League was ignored and bypassed and Pandit Jawaharlal Nehru was summoned to form the Interim Government.

"We were still ignored and bypassed and Government was formed. In the Viceroy's broadcast, he said: 'I understand there is complaint of the time and manner in which I have formed the Government.' It was not only a complaint. It was a dangerous course for him to have taken. He issued an appeal wherein he told us 'There are five seats for you if you like to come in.' You can imagine what feeling there was in the Muslim League at the time when Pandit Jawaharlal Nehru was summoned to form this Interim Government. It was given out in big headlines all over India—and I may tell you that nine-tenths of the Press is Hindu Congress—in a manner which was bound to excite anyone. But on July 27, we had decided to change our policy and to resort to direct action—a big change of policy—and we decided to tell our people of this on August 16.

THE CALCUTTA TRAGEDY

"At the moment this was announced, there was a meeting at the Viceroy's Lodge. Pandit Jawaharlal Nehru was summoned and it was astonishing that nothing happened anywhere but in Calcutta. In the Press and in broadcasts were statements explaining that the only purpose of the Muslim League was a change of policy, but there was bloodshed at Calcutta and in no other part of India before August 16. The Muslims are only 26 per cent of the population in Calcutta. That would not have been the ideal place to select if we wanted to cause bloodshed. Why did it happen? The Enquiry Commission will give their verdict, but I must tell you this much. A few days after August 16 many meetings were held by the Muslim League in Calcutta and Bengal leaders nipped this thing in the bud.

"We came here to discuss the situation. When Pandit Nehru came here the Congress' future course in India was already decided and he came only because he had been asked by the Viceroy. While this is a case when the British can say and do say that there can be no room for discussion or negotiation while one part has already decided on its course for the future, what is the position about the British Statement? The Cabinet Mission were the authors of the proposals and should keep their word.

"CONGRESS GOING AHEAD"

"Here they say that the Congress may refer the whole matter to the Federal Court as early as possible. As I see it, the coming of Pandit Nehru and the Muslim League from India has meant nothing. The Congress are going on as if nothing has happened. Once again the people are being confused. It is being said that no action should be taken as we are still at the stage of negotiation and that anything we say will spoil a compromise.

"The Congress is going ahead and treating the Constituent Assembly as a sovereign body. What do the British now want the League to do? What can we possibly do? Do not be misled. It is only when this is decided that anything can be done. It is also clear that we are in a position where there is nothing we can do."

HECKLER REMOVED FROM THE HALL

A lone heckler in a hall full of cheering and applauding Englishmen and Indian Muslims provided a moment of hysterical disorder during Mr. Jinnah's address at Kingsway Hall, adds the Associated Press of America.

As Mr. Jinnah was reviewing the cause of the disorders in India last August in which several hundred people were killed, he asked rhetorically, "Who was responsible?".

A voice from the hall shouted, "You were!".

Several League officials rushed from the platform and the heckler became the centre of threatening shouts of "Shut up!" and "Throw him out". The heckler was pushed out from the hall.

Mr. Jinnah, who had waited unmoved throughout the hubbub, went on to develop his idea that the British Government was responsible for the riots because of its decision to allow the Congress to form the Interim Government.

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"What does such training inv... conditions characteristic of ... now? India is spoken of as a la... d by people professing differe... faiths and it is stated that r... determines not only their b... matters of strict religion but ... political economic social and ... relations In such a country ... circumstances in which we fi... o-day, the greatest need is th... cated men should understand ... religion is, what its basic pri... what there is in common in t... religions of the country. They ... hat all religions are essentially ... country is sympathetic unders... toleration so much needed as ... gion has so far been through ... ance of man, a factor for diss... ween man and man. But I fe... religion is meant to and ough... mankind together. Real underst... oleration should form an integ... he mental make-up of an edu... for, it is in the name of re... lemental passions in man are b... o-day and it is in its nam... country is being carried through ... ath we are all witnessing. Relig... lebased for the most unholy p... s, therefore, necessary in the c... es in which we are placed to... uly educated and cultured peop... all those educated by the Unive... colleges should get a real insigh... different religions in our counti... stand the essential oneness of ... come tolerant of each other ... olerance to the masses to whom ... n the position of guides and me... s the study of religion incom... nconsistent with the study of ... s well to realise in this conne... famous definition of God by Sri S... 'energy pervading the whole ... Can science say 'Nay' to this, o... upon this? If only we unders... tudy religion properly, laying ... atter day encrustations, we will ... a great service to ourselves an... people at large. This is the nee... hour.

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NEED FOR DECENTRALI... INDUSTRY

Referring to the question of i... sation, Mr Prakasam said: "The s... pursuit of science have been th... mean and represent large-scale i... lisation. I am not against large-sca... trialisation as such; but when it is... bered that ours is a predominan... cultural economy where 90 per ce... population live in villages, stee... poverty, with a large proportion u... ed for a considerable part of t... when it is remembered that our ... ture is in a disorganised state w... handloom industry is the second ... after agriculture, one cannot help... whether industrialisation on a lar... conceived and practised as in ... countries can be transplanted, witl... without any modification of it, to ... present conditions of our countr... answer plainly is that large-scale ... trialisation cannot and must not b... duced without any modification. ... country is to be put on her legs a... a solid foundation, the villages m... rehabilitated through co-operative ... and industries should be d... a cottage scale as has been ... tries like Switzerland and J... such industries as admit ... planning should be centralis... out by Acharya Kripalani i... tial Address at Meerut, our ... is most admirably suited fo... tion.

"By decentralisation of i... meant the application of ha... does it mean a return to prir... moded processes It only ... science should be made to p... role instead of helping the ... big factory, it should be ma... worker in his cottage unit. ... study science and turn scie... to this end. You must help ... his own house to produce go... to the latest technological ... Then only and not through ... large-scale production, with ... comitant horrors, can we ... fully employ the labour forc... ng to waste in India."

Emphasising the necessity ... n agriculture, the speaker ... esearch should be directed ... egree on agriculture and it ... esearch hitherto has been ve... t very useful to the agricul... matter of producing more fo...

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MISING

GROUPING PLAN

BRITISH STATEMENT MUST BE ACCEPTED

JINNAH'S CONDITION FOR ENTERING ASSEMBLY

LONDON, Dec. 14.

Mr. Jinnah indicated to-day that if the Congress unequivocally accepted the British Government interpretation of the Grouping clauses in the Cabinet Mission's constitutional proposals for India, he would certainly have to call his Council, cables Fraser Wighton, *Reuter's* Political Correspondent.

Mr. Jinnah added that he could not, of course, say whether his Council would decide to enter the Constituent Assembly at Delhi.

Mr. Jinnah, whose main pronouncements were contained in answer to questions at a Press Conference here to-day, reaffirmed Pakistan as the goal of the Muslim League, agreed with Mr. Winston Churchill's predictions that things would get worse in India "if Britain did not act boldly and frankly" and answered the question whether he were once a Congressman by retorting, "Once I belonged to the preparatory school".

Questioned about his impression of the two-day India debate in the House of Commons this week, Mr. Jinnah replied: "My impression of the debate generally is that light is dawning on the tremendous mess that already has been made and, I think, Parliament is in a better position now with regard to some of the facts than they were during all previous months."

Asked if the League's goal was complete independence, he replied: "What do you think we are fighting for? The goal of complete independence is Pakistan—certainly."

Another questioner asked Mr. Jinnah —who was accompanied at the conference by his colleague Mr. Liaqat Ali Khan—to give his reaction to the paragraph in the India statement of the British Government on December 6 to the effect that it did not contemplate forcing upon the minorities any constitution in the framing of which they were unrepresented.

Replying, Mr. Jinnah said: "Suppose the Federal Court decides against the interpretation of His Majesty's Government, what will His Majesty's Government do with regard to the Constituent Assembly? Is it to proceed on the basis of the interpretation given by the Federal Court contrary to the interpretation of His Majesty's Government?. In that case the Muslim League could never accept it"

REFERENCE TO FEDERAL COURT

A questioner suggested that there was a feeling in London that the Muslim League was not prepared to submit the principal question separating the parties to the Federal Court, Mr. Jinnah replied, "If you ask me why we always have been averse to being a party to reference to the Federal Court on this point, it is because the authors themselves (the British Cabinet Mission and the Government) ought to know what the proposals are. I say it is not a matter for a court. A mediator making a proposal should know what he means and should say if there is any doubt in anyone's mind: 'I will make it clear.'"

Mr. Jinnah added that besides, this point was the very foundation of the scheme. "It is not a justiciable issue," he said. "I tell you I will trust no court to decide on a point like this."

One Pressman put a dual question. If the Congress accepted the proposals laid down by the British Government, he asked, would the Muslim League be willing to take part in the Constituent Assembly and in that case would it be willing to agree with the Congress that the Assembly was a sovereign and autonomous body not subject to outside interference?

Mr. Jinnah answered the first part by saying that if the Congress unequivocally accepted His Majesty's Government's interpretation of December 6, certainly he would have to call his Council. He indicated that he could not anticipate a decision of the Muslim League Council.

Mr. Jinnah thanked the questioner for the second point "It is all very well to talk in this loose way on the position of the Constituent Assembly," he said, going on to tell his audience that the Congress with 292 supporters—there might be a few less—in the Assembly, certainly had a "brute majority."

"Whereas the Muslim number is 79," Mr. Jinnah said adding: "That is what people understand when they talk of democracy. As between the Hindus and the Muslims there is no such thing as democracy. It is a majority of one nation that can overrule the unanimous decision of any other nation because they are 79 and the Congress are 292." "In the perilous position that the Muslims will be," observed Mr. Jinnah, "we don't want any outside interference in the sense that somebody should tinker with us but there must be some provision within the scheme itself which will prevent a brute majority taking the bit in its mouth and running away. But to treat it as a sovereign Constituent Assembly taking decision after decision and then presenting the poor Muslim minority, the British Government and the world with a *fait accompli*—there is the real danger.

"Does that mean that the Muslim minority wants to continue a veto on progress?" asked the questioner.

"That is often said but it is absurd," answered Mr. Jinnah. "Unless the majority of one nation can take what decisions it likes, the moment you do not agree you are exercising your veto and you are intransigent. In that case the majority is to grind down the minority completely and the minority has no remedy."

Mr. Jinnah asked his audience if it had ever known anywhere in the world of a constitution that worked successfully without being framed with the willing assent of major elements that lived in the land. "Even the machinery will not work unless it has the goodwill, co-operation and honest desire of the people."

When people said that the Muslims were placing a veto on the advance of the majority, he asked: "What majority do you mean? If you mean the Hindus", said Mr. Jinnah, "we wish them Godspeed. Go ahead —establish your Hindustan, frame your constitution for the Hindus. Leave us alone and we shall frame a constitution for Pakistan"

SEPARATE CONSTITUENT ASSEMBLY

Asked if he were advocating a separate Constituent Assembly for Pakistan, Mr. Jinnah said that he had always done so.

Mr. Jinnah opened his press conference by a long statement which covered much of the ground contained in his speech at the Kingsway Hall meeting last night and observed that the Muslim League time and again had been let down in the course of negotiations with the Cabinet Mission and the British Government. Referring to the Congress and the Muslim League participation in the present provisional government, he said that the Congress had made its intentions clear—that whatever the constitution they were going to act as a Cabinet with joint and collective responsibility and a responsibility only to the Legislature where they have an overwhelming majority and to no outside authority "When we say we cannot allow that", declared Mr. Jinnah "we are criticised as the King's party and agents of British Imperialism".

Mr. Jinnah added that while the question of the framing of the future constitution was still unsettled, the Interim Government "would go ahead with measures which will torpedo completely our demand for Pakistan and separation". Mr. Jinnah made a point that the Government statement of December 6, suggested that if the Indian political parties intended to refer the chief points at issue to the Federal Court "it will then be reasonable that meetings of the Sections of the Constituent Assembly should be postponed until decisions of the Federal Court are known".

Mr. Jinnah said that he did not know whether the Congress would consider it reasonable to postpone the meeting of the Sections of the Constituent Assembly until the decision of the Federal Court was known. "So we are now hung up", he observed.—Reuter.

TRAINING FOR A LIF
OF SERVICE

AIM OF TRUE EDUCATION

MR. PRAKASAM'S ADDRES
TO ANDHRA GRADUATES

(FROM OUR CORRESPONDENT.)

WALTAIR, Dec. I

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CABINET PLAN

VISCOUNT SIMON'S CRITICISM

DEBATE IN THE LORDS

SECRETARY OF STATE'S REPLY

LONDON, Dec. 16

Lord Pethick-Lawrence, Secretary of State for India, dealing in the House of Lords to-day with the Government's intentions in setting up the Constituent Assembly in India declared: "I should like to make it quite plain that His Majesty's Government do not consider that this issue is one which it is desirable should be referred to the Federal Court. The statement of December 6 makes this clear and also the interpretation which His Majesty's Government themselves hold. The view of the Government is that this interpretation should be accepted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay."

Viscount Simon, who had initiated the debate on India, asked if Lord Pethick-Lawrence was aware that the Federal Court could only be asked to consider a question of law and that the question could only be put by the Viceroy. The Congress Party, he said, had no power to do so.

Lord Pethick-Lawrence agreed that it was not a question of law if the Congress chose to submit it. The question whether the Federal Court sustained their submission was another matter.

Lord Pethick-Lawrence added: "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and that they will by no means depart from it even if the Federal Court should be appealed to."

LORD SIMON'S SPEECH

Opening the debate on India in the House of Lords to-day, Viscount Simon (Liberal) said that no country in history had ever made such exertions as Britain to get rid of its imperial responsibilities. He did not think it too much to say that the assiduity and persistence which had been shown to try to find the end to the British control over India had been any less vigorous than in an earlier age when these qualities were employed to establish control.

He said that there could be no more ridiculous analogy than that of Ireland where both Protestants and Catholics were Christians and spoke the same language and where the country was not under a single Government.

After quoting passages from the report of the Commission over which he presided in India, Viscount Simon said that it was not possible to understand what was now facing the Government unless one grasped the character of the chasm which separated the two great peoples—Hindus and Muslims.

Viscount Simon said the British Government had clearly stated that the meaning of their document was what Mr. Jinnah said. They had said that if the Congress people thought otherwise, they had misunderstood and yet it was suggested in some quarters that there should be reference to the Federal Court of India on the question of what the Government proposal meant. The Federal Court of India had certain jurisdiction to answer certain questions put by the Viceroy, but questions had to be questions of law.

"I have not a notion how this thing can be carried through in this way. Is the Secretary of State to be called to give evidence?

"There can only be one answer as to what the Government meant by their statement and that was for the Government to say what it was."

Viscount Simon then asked that the Government should say here and now whether it really regarded what was going on in New Delhi at this moment was a Constituent Assembly. "I foresee the greatest danger of misunderstanding and chances of bad faith if the Government does not make a plain declaration on that matter," he declared.

Viscount Simon said that in the House of Commons when challenged on this point Mr. A. V. Alexander had dealt with it by saying that it was "a hypothetical question" and he need not give an answer.

"It is not a hypothetical question," Viscount Simon added, "because these people are meeting now and it would be a great service if Lord Pethick-Lawrence would make it plain whether he considers that a constitution drawn up by that truncated body would be in keeping with the proposals the Government has made. There is only one possible answer. I most sincerely suggest to the Secretary of State, that this is not fulfilment of the Government's proposal for a Constituent Assembly."

"It is not until you get representatives of these other great communities, and I hope they will come, that you can say the work being done is the work of constructing a constitution according to the Government's suggestion. More and more will they become convinced that this is not from their point of view a fair deal. Suppose for the moment the only people to turn up at Delhi were Muslims. Is the Government prepared to say that, in that event, a constitution drawn up by Muslims alone would be in execution of their plan?

"Of course, they would not say that. The very fact that they would not, shows in what a dangerous position they stand until they made a clear declaration.

"I am convinced that unless something of that sort is made plain, we stand in the greatest jeopardy of misunderstanding. Is it the right view of the Constituent Assembly that they can make any sort of constitution they like for India?

The view is that this truncated body is now engaged in making any constitution it likes, then I think the anxieties of the situation are redoubled."

THE CONSTITUENT ASSEMBLY

Viscount Simon, mentioning some of the questions of which he had given the Secretary of State for India prior notice in the hope of getting answers to-day, asked: "Firstly, did not the statement of the Cabinet Mission, announced to Parliament on May 16, propose a Constituent Assembly for framing a new constitution, in which it was essential that representatives of different major communities would be associated in certain proposals?

"Secondly, do the British Government regard the Assembly, now meeting at Delhi, which contains no representative of the Muslim League, as a meeting of such a Constituent Assembly? If the Muslims continue their refusal to take part, will the conclusions reached by those, who do take part, be regarded by the British Government as a constitution settled by Indians for Indians?

"Thirdly, is the Assembly now sitting at Delhi, restricted in its efforts to frame a constitution to the basic form recommended by the Cabinet Mission, or is it at liberty to disregard the Mission's recommendation and frame a constitution on other lines?"

Recalling that Pandit Nehru was reported to have claimed that the meeting at Delhi was a Constituent Assembly that the Congress members attending it would draw up any constitution they liked and that that would thereupon become the constitution of India Viscount Simon said: "Surely we ought to ask the Government now what is their attitude to this momentous declaration. Surely this reinforces my question whether this meeting of Caste Hindus at Delhi can be regarded by the Government as the Constituent Assembly they mean at all.

"It is terrible to think of misunderstandings and of charges of bad faith that may arise if the Government remains mute on this matter or says like the Minister without portfolio (Mr. A. V. Alexander) that this is a hypothetical question. There was not much hypothesis about it at Benares yesterday."

Viscount Simon added: "Such claims make nonsense of the Cabinet Mission's efforts. It threatens India with a Hindu Raj. I am measuring my words as carefully as I have ever done in my life and I speak under the greatest sense of responsibility, but I say this, that an attempt to establish a Government in India not by cooperation between the major communities but by reliance on the Hindu majority threatens India with civil war and bloodshed on an unlimited scale, and I feel it is our duty in Parliament to make an appeal to both sides—not to judge between them.

To the Muslims, I think we should say that we beg them to forget the old feuds, to place some reliance in the British sense of fairplay and to do anything they feel they can to join in a united Indian effort to frame a constitution under which Indians of every class and creed may live at peace.

Viscount Simon continued: To Hindus I think we should say that the British Parliament well understands the inspiration that is drawn from the prospect of complete freedom but that freedom must be for others—for 90,000,000 of the Muslims, for 50,000,000 for the Untouchables as well as for themselves.

"We should beg them to realise that a free and happy India can never be built up except by co-operation between the main Indian parties and that is the only road by which the consummation of their purpose can be reached."

LORD SAMUEL SUPPORTS CONGRESS

Viscount Samuel (Liberal) said that it could only worsen the situation if the Government declared now *ex cathedra* whether the present Assembly was valid or not.

He wanted to know in what respect Government's policy had departed from that laid down by Mr. L. S. Amery and Sir Stafford Cripps.

Viscount Samuel declared: "I think Mr. Churchill's statement in the House of Commons can do nothing but mischief as indicating to the Indian people that whatever settlement may be arrived at, a new Government may come into power in this country and undo it because the present Government is not entitled to act on behalf of the nation as a whole."

He did not think that there was any other course open for the Government than by forming the first Interim Government from the Congress alone.

He regretted the Muslim abstention, remarking, "those who refuse to discuss are in my judgment always in the wrong."

Viscount Samuel asked what part the British Parliament, Government and arms would take if a widespread civil war should take place in India.

Viscount Samuel asked: "Are we quietly to slip away and leave India to anarchy? After 150 years of British rule that would be a course of dishonour.

"On the other hand, are British armies to intervene in order to maintain peace and order. That would mean that young men from this country would have to lay down their lives in India in order to put an end to a quarrel which is not of our making.

"Why should we be put in that dilemma of choosing between dishonour on the one hand or disaster? Yet such seems to be the situation now shaping unless the Indian parties can wisely concur in framing their constitution."

SECRETARY OF STATE INTERVENES

Lord Pethick-Lawrence, Secretary of State for India, intervened at this point to reply to some of the questions put by Lord Simon. This, he said, would not preclude his dealing at a later stage with further points.

Lord Pethick-Lawrence said that there was almost complete unanimity throughout Britain on the main issue that the time had come for Indians to have independence whether within or without the British Commonwealth according to their desire.

That being so, it was no longer possible for this country to frame a constitution for India, still less to impose one. Their constitution must be made by Indians for Indians and must commmand the consent of the major communities and be fair to the minorities generally.

The Cabinet Mission recommended what they considered the most hopeful method for constitution-making. But the Government had made it clear that no minority should be able to place a veto on the advance of the majority.

"I would refer Viscount Simon to the last paragraph of the statement of December 6. The Government have nothing to add to it."

BRlTiSfl PLAIT>OR

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INDIA SECRETARY'S REPLY IN LORDS

- - LONDON, Dec. 16"

L©^ Linlithgow, the Itmntr Viceroy of Ind.a, speaTcmg in the debate in the House- o| Lords learl^ej- parts of which have already a2peared4t-&aid that it not practical to remain in India Avithout the fullest moral-support from the British people. ...He advised that'"Britam should frankly reshape her policy, renounce her pledges as being beyond-her capacity to discharge and, having given due warning -of the due date, march out. To attempt 46 remain'in India to bear the responsibility yvithout adequate power to discharge it, .would be fair neither to India nor-to Britain. *

Lord Cranborn-e, winxiing up for the Oppoi^ition, felt that Britain must not confe?mplate. without br'ih^qg herscif into deserved eomtemp-L abandoning;-the loyal—suhjeats of the Kihg to sectarian \vengeance aq,d using- Bxitish arms and ! prestige ' to impose doming'on of one' i Indian community over another"

Lord Pe.thicR~^awrcnce, Secretary of i'Btate for India, .repIying_..to.--.ia question, about agreement cetw^een the Hindu.s and the Muslims, said "that nb country quite-^irrespective of any foreign control. could have a stable constitution if there were furidamental disagreements between the two- sections _vvithin it. He *believed that \vas recogni.'^ed bv the Indi- just- Wets bw-fl'i-e

Lord .Pefhick-Law rence added: "Although -the parties took part in 'the election -of the Constituent Assembly, it is xvell . known that the^Muslim Lea,gi'e representatives ai-e-no.t takih,gtheir seats at the preliminary sittings, whi^i are now being held and which are, the-fefore. clcarty~nbt representative of the two major "communities. The Briti'sh Govemnaent still hope that before the aneefi;-'ings of The'S.gctions take place, it will become so rerresentative."

FUNCTIONING OE. CONSTITUENT ASSEMBLY —

"'With tHal object in view they do. noK think it desirable to make any staientent on the hypotheticaJ'question beyond that which they have .made already", he added. ~

r "I turn now; to the suggestion relating to the function of the Constituent Assembly under normal conditions". Lord Petlrick-Lawrence said. "Viscount SinTcrn asked Whether the Assembly now si.tting at Deliu is restrained in its endeavour to , frame a constitution to the basic form recommended by the Mission; '

"Under the Cabinet Mission's proposals,** LoT3 Pethick-Lawrerice said, ' the. -Constituent Assembly cannot frfrme a constitution w'RTch departs from the form recomrnended by the Commission unless agreed upon Wfth the approval of the majority of representatives of each major party. It is provided that any resolution var.ying"^the provisions of Para'graph 15 or **I'aising** any communal UIS,

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LoVd Linhthgow added; "it is nqi practical to remain in India 'without the fuJlest moral- .support from the Bfftisii ' people; .Sufiicient* re-estabiishrne.nt of British autho.rity would be less difficult than - many supposed, provided it were undertalverf'--w'ith confidence and conviction. It might, indeed be that, we tn tbrs country-were no longer willing to supply the necessary - support. In that case, 'my advice would be that we should franktv rc-staic our policy, renounce our pledges as being; beyond our capacity to discharge them andTiaving given our warning of a due date, -marcir out. To attemp to remain in' Indja to bear rcspcnsibilit.V without adequate perwer to discharge it would be fair neither to .India nor to ourselves This countr:/ is .in no .stiape to ,endUTife over a long period a running ha.emorrhage on 'that scale. Let us avoid a situatfon dn—w 11io IT- w'e—might—have t-o—remain in India without 'he necessary instrument for administration." This question of tr.e services, he said, had to be faced if tlief2 W'as a.-prospect of any mateiial prolongation of Britain's .responsibilities In India

WHEN THE BRITISH QUIT—

•'The- sacrifice that w"e" are prepared' to make upon the "altar, of riDei:ty...is. indeed heavy," ix)rd.--Lmlithgow said. "'We anay do our utmost 'to secure '.for the future -India as the greatest achievement of our rule the unity of that country, but who beuld guarantee the success oKoUr« endeavour in that regard.^ India may be destined to pass througir very troublesonie. times. „We our. selves mu«t face 'a heavy -military burden. ***We*** -must me prepared' to lose. the services of. one substantial standing army at the disposal of the Commonwealth. We lose, ton, the immense labour resources of the* continent, a potenjt factor in war, and we abandon a great land base peculiarly well placed for the purpose ot maintaining peace and security m the- East- -

•'India under British rule has stood as a gteadv factor for two. centuries—thg one buttress that has- de.fied the storm and helped to hold together, the 'whole fabric of the Orient front the Red Sea to the 'Yellow Riyer." he said. ^

Lord 'Linlithgow said that when the, British left India, the.v__must expect that another Power would try to seek to take t^ir place. That was a -measure of the

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BRITISH PLAN FOR INDIA

H. M. G. TO STICK TO INTERPRETATION

INDIA SECRETARY'S REPLY IN LORDS

LONDON, Dec. 16

Lord Linlithgow, the former Viceroy of India, speaking in the debate in the House of Lords (earlier parts of which have already appeared), said that it was not practical to remain in India without the fullest moral support from the British people. He advised that Britain should frankly reshape her policy, renounce her pledges as being beyond her capacity to discharge and, having given due warning of the due date, march out. To attempt to remain in India, to bear the responsibility without adequate power to discharge it, would be fair neither to India nor to Britain.

Lord Cranborne, winding up for the Opposition, felt that Britain must not contemplate, without bringing herself into deserved contempt, abandoning the loyal subjects of the King to sectarian vengeance and using British arms and prestige to impose domination of one Indian community over another.

Lord Pethick-Lawrence, Secretary of State for India, replying to a question about agreement between the Hindus and the Muslims, said that no country quite irrespective of any foreign control, could have a stable constitution if there were fundamental disagreements between the two sections within it. He believed that was recognised by the Indians just as it was by the British.

Lord Pethick-Lawrence added: "Although the parties took part in the election of the Constituent Assembly, it is well known that the Muslim League representatives are not taking their seats at the preliminary sittings, which are now being held and which are, therefore, clearly not representative of the two major communities. The British Government still hope that before the meetings of the Sections take place, it will become so representative."

FUNCTIONING OF CONSTITUENT ASSEMBLY

"With that object in view they do not think it desirable to make any statement on the hypothetical question beyond that which they have made already", he added.

"I turn now to the suggestion relating to the function of the Constituent Assembly under normal conditions" Lord Pethick-Lawrence said. Viscount Simon asked whether the Assembly now sitting at Delhi is restrained in its endeavour to frame a constitution to the basic form recommended by the Mission.

"Under the Cabinet Mission's proposals," Lord Pethick-Lawrence said, "the Constituent Assembly cannot frame a constitution which departs from the form recommended by the Commission unless agreed upon with the approval of the majority of representatives of each major party. It is provided that any resolution varying the provisions of Paragraph 15 or raising any communal issue shall require a majority of representatives present and voting of each of the major communities."

"A reference has been made", he observed, "to a speech by Pandit Nehru at Benares. I would not minimise the gravity and importance of the remarks attributed to him. I should be inclined to think that the speech at Benares was a political rejoinder to a very provocative speech made only a few days ago in the House of Commons. Be that as it may, I can say that the position of the Government remains unchanged."

"OUR INTENTIONS STAND"

"Our intentions stand," Lord Pethick-Lawrence declared, "our conviction stands that only on a fast agreement can a stable constitution be created. Our intention remains to do all in our power to bring the parties together."

Lord Pethick-Lawrence endorsed the appeal made by Lord Simon both to the Muslims and the Congress to find accommodation which would enable them to sit together in the Constituent Assembly and create a situation which would command the support of all sides.

Dealing with the proposals for the setting up of sections, he said that the question at issue was as to voting in the Sections. It was to resolve this issue that the Indian leaders were invited to this country, regarding which visit the British Government issued their statement on December 6.

He added: "I should like to make it quite plain that the British Government do not consider that this issue is one which it is desirable should be referred to the Federal Court."

Lord Pethick-Lawrence said: "The statement of December 6 makes this clear and also the interpretation which the British Government themselves hold. The view of the Government is that this interpretation should be accepted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay."

POSITION OF PROVINCES IN THE SECTIONS

Continuing, Lord Pethick-Lawrence said: "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and [illegible] by no means depart from

BRITISH PLAN FOR INDIA

(Continued from page 4)

the confidence of both the great communities in circumstances tolerable to the minorities. And my deep fear is that it may be a matter of years before such an authority, so situated, is available. To implement our policies we should, in these circumstances, have to remain in India for a prolonged period of time. The position there would be substantially analagous to that which was facing them in Palestine. We should be waiting for an indefinite period for contending elements to coalesce in order that we might hand over authority. In such circumstances we should soon find ourselves confronted with the formidable alternative either of withdrawing British armed forces from India, whatever the consequence, or of reasserting our authority and re-establishing our prestige not with the intention of remaining in India for all time, but with the purpose, boldly proclaimed, of waiting, until an appropriate and competent Indian authority can take over. It is worse than useless to attempt policies in India which the British people cannot support with a clear conscience. That is the test by which every device must be judged."

Lord Linlithgow added: "It is not practical to remain in India without the fullest moral support from the British people: Sufficient re-establishment of British authority would be less difficult than many supposed, provided it were undertaken with confidence and conviction. It might, indeed, be that we in this country were no longer willing to supply the necessary support. In that case, my advice would be that we should frankly re-state our policy, renounce our pledges as being beyond our capacity to discharge them and having given our warning of a due date, march out. To attempt to remain in India to bear responsibility without adequate power to discharge it would be fair neither to India nor to ourselves. This country is in no shape to endure over a long period a running haemorrhage on that scale. Let us avoid a situation in which we might have to remain in India without the necessary instrument for administration." This question of the services, he said, had to be faced if there was a prospect of any material prolongation of Britain's responsibilities in India.

WHEN THE BRITISH QUIT—

"The sacrifice that we are prepared to make upon the altar of liberty is, indeed, heavy," Lord Linlithgow said. "We may do our utmost to secure for the future India, as the greatest achievement of our rule, the unity of that country, but who could guarantee the success of our endeavour in that regard? India may be destined to pass through very troublesome times. We ourselves must face a heavy military burden. We must be prepared to lose the services of one substantial standing army at the disposal of the Commonwealth. We lose, too, the immense labour resources of the continent, a potent factor in war, and we abandon a great land base peculiarly well placed for the purpose of maintaining peace and security in the East.

"India under British rule has stood as a steady factor for two centuries—the one buttress that has defied the storm and helped to hold together the whole fabric of the Orient from the Red Sea to the Yellow River," he said.

Lord Linlithgow said that when the British left India, they must expect that another Power would try to seek to take their place. That was a measure of the sacrifice and Britain would not be alone in furnishing it. There was hope that the outcome might warrant the price.

Adverting to the criticism in the United States of British rule in India, Lord Linlithgow (adds the Associated Press of America) said in the course of the India debate: "Let them (the Americans) take a look over their shoulders across the broad Pacific, for there they will see far on the horizon a small cloud no bigger than a man's hand, which may be destined to grow and give much trouble in time to come. For, when we leave India we must expect that another will seek to take our place." Lord Linlithgow did not specify who he thought would attempt to take Britain's place in India.

"SIKHS WILL NOT ACCEPT MUSLIM DOMINATION"

Lord Birdwood said that Sikhs would never accept Mohammedan domination in the Punjab. He trusted that the treaties Britain had with the Indian Princes would be honoured in every way by the new Government which would take over. Some people were urging Britain to leave India at once, but in most things it was better to go gently.

The Earl of Scarborough (Conservative and former Under-Secretary for India) said if the alternatives in India were Pakistan or civil war, he preferred Pakistan and he was sure the British Government would feel compelled, though obviously with reluctance: to do the same. But neither alternative could produce the kind of action that would usher in a stable or peaceful future for India.

LORD TEMPLEWOOD ON GROUPING

Lord Templewood, who as Sir Samuel Hoare piloted the India Act of 1935 through Parliament, asked whether the Secretary of State regarded the Constituent Assembly as it was to-day, without the presence of the Muslim Minority, as the Constituent Assembly that he contemplated in the Statement of May 16. Lord Pethick-Lawrence, he thought, had already given an answer, which amounted to 'no' when he made it clear that the Constitution must command the assent of the major communities and that both communities must be present in the Constituent Assembly. He asked the Secretary of State to make it clear that the Constituent Assembly was intending to carry out its announced programme, namely, [illegible] should deal with

not fall into the error of deluding themselves that the present impasse was merely a question of procedure. Almost at this moment Mr. Alexander was speaking, Mr. Jinnah was making a broadcast to the United States in which he said that Hindus and Muslims were two nations, distinct and different in everything that mattered, and that people should get away from the idea of a United India. To Mr. Jinnah the difference between Muslims and Hindus was not one of procedure.

Lord Cranborne said that the situation would not be made easier by the "regrettably provocative speech" of Pandit Jawaharlal Nehru yesterday, which was only too likely to confirm the fears of Muslims and other minorities that the Congress was determined to establish high-caste-Hindu domination over the whole of India.

If the Muslim League felt that the dice was too heavily loaded against them and refused to enter the Constituent Assembly the fact must be faced that Government policy had failed.

TWO ALTERNATIVES BEFORE CABINET

Lord Cranborne said that Lord Linlithgow had said that the Government had two courses open to it—to march out bag and baggage or take over the reins of the Government temporarily until Indians made up their minds either to unite into one nation or separate into two. To leave India, said Lord Cranborne, meant the probability of a civil war, with carnage and misery to the people who had hitherto looked to Britain for justice and protection. The other alternative, to take over the administration temporarily, was very much harder for the British people. It would involve shouldering a heavy, and almost invidious burden and laying Britain open to misrepresentation in India and abroad. It might be impracticable; so far had the situation deteriorated. But if it were practicable, it might well be the only way consistent with national honour. "What I feel is that we must not contemplate, without bringing ourselves into deserved contempt, firstly, to abandon loyal subjects of the King to sectarian vengeance, and, secondly, using British arms and British presitage to impose a domination of one Indian community over another, whether of Hindus over Muslims or of Muslims over Hindus."

The Government would have to watch the situation very carefully, lest they found themselves in a position of doing just that against their best intentions. It was vitally necessary that the ultimate responsibility for control of British troops should rest with the Viceroy, especially as the Commander-in-Chief was no longer on the Viceroy's Council. He appealed to Lord Pethick-Lawrence to lead India to the goal of Self-Government or independence in an orderly manner and not leave her to founder in the morass of civil war and internecine bloodshed from which Britain had protected her.

INDIA SECRETARY'S REPLY

Lord Pethick-Lawrence, replying to the debate, expressed appreciation of its tone and temper. As the Secretary of State he was aware of the pitfalls which the noble Lords might not see yawning in front of them. Nothing had been said in the great majority of speeches to add to the difficulty of the situation.

Answering the questions put by Lord Cranborne first about the validity of the proceedings of the Constituent Assembly, Lord Pethick-Lawrence said, "I do not think I have anything more to say than I said in reply to Lord Simon."

The Government certainly regarded the Scheduled Castes as a minority and they were one of the principal peoples with whom they were concerned in their statement of May 16. There had been debates as to whether they were a minority or not but they were one of the peoples with whom the Minority Commission could deal. That was clearly put down in the May 16th statement.

Lord Templewood intervening said: "When the constitution came to Parliament for ratification, would the Scheduled Castes be one of the minority cases upon which it would have to be sastisfied?"

Lord Pethick-Lawrence replied: "I think that is certainly so." Continuing, he said that the Central Government under the existing circumstances had no power for the maintenance of law and order, unless their intervention was requested. There had in fact been no such intervention. He recalled that leading members of the Interim Government had visited Calcutta and Bihar and used their influence to promote communal peace with very valuable effect."

He had dealt with the position of the Princes in an earlier speech and he had nothing to add to it. There had been Press reports of uneasiness caused in the States as a result of resolution moved in the Constituent Assembly that India should become a sovereign independent Republic. He was not able to add anything on this other than what was available from the Press reports. He had no information on whether or not the Princes were forming a Confederation.

He had made inquiries and found that the speech by Pandit Jawaharlal Nehru at Meerut was made extempore and no verbatim record of it existed. He could, therefore, only repeat what he said when the question was raised, that he was convinced their Lordships had misjudged the main tenor of his speech but if attempts were to be made to punish Government servants who had acted in accordance with their duties, appropriate measures would have to be taken (Conservative cheers).

Lord Pethick-Lawrence said that he could not prophesy whether a constitution for India would be flexible or fixed. It was to be decided by Indians for Indians. Certain lines which would be fixed features of the constitution had been indicated but within that structure there might be considerable fluidity, but of that he was not in a position to judge.

Concluding, Lord Pethick-Lawrence said: "This question of agreement has ceased to be one enforced by this country upon [illegible]

major communities.

"A reference has been made", he observed, "to a speech by Pandit Nehru at Benares. I would not minimise the gravity and importance of the remarks attributed to him. I should be inclined to think that the speech at Benares was a political rejoinder to a very provocative speech made only a few days ago in the House of Commons. Be that as it may, I can say that the position of the Government remains unchanged."

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He added: "I should like to make it quite plain that the British Government do not consider that this issue is one which it is desirable should be referred to the Federal Court."

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POSITION OF PROVINCES IN THE SECTIONS

Continuing, Lord Pethick-Lawrence said: "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16, as set out in that statement and that they will by no means depart from it even if the Federal Court should be appealed to. I hope agreement may yet be reached in a way which will allay fears of both parties."

Lord Pethick-Lawrence said that it must be obvious to all that no constitution could be successfully brought into being and survive unless it was based on mutual consent.

There was anxiety in certain quarters, he said, whether the majority in a Section might not impose a provincial constitution on a province contrary to the wishes of the inhabitants, and of such a character as to prevent the wishes of the majority on the inhabitants prevailing in the decision, whether or not to opt out of a group. He was sure that neither side had any wish that this should take place and he saw no reason why the two major communities should not come to agreement between themselves which would avoid any danger of that happening.

STATES AND MINORITIES

Lord Pethick-Lawrence said that the manner in which the seats representing the States should be filled in the Constituent Assembly was to be negotiated between a Committee appointed by the Indian States and a Committee appointed by the British India side of the Constituent Assembly. The States had appointed their Committee and when the Committee had been appointed by the British India part of the Assembly, negotiations could begin.

The Cabinet Mission had made it clear and the British Government had since reiterated that they could not in any circumstances transfer Paramountcy to the Indian Government. The position would be that when British authority had withdrawn from free India, the powers of Paramountcy would lapse and as a necessary corollary the obligations of the States to the Crown would lapse also.

Dealing with the Cabinet Mission's proposal that an Advisory Committee should be constituted to make representations as to the minorities, Lord Pethick-Lawrence said that that Committee would be an authoritative body representing both the minorities themselves and leading experienced statesmen from India. It seemed to the British Government that as all parties in India were anxious that minorities should have due protection, the recommendations of such a Committee should not be disregarded.

Concluding, Lord Pethick-Lawrence appealed to those taking part in the debate to make full allowance for the inherent difficulties. He was not pleading, he said, for indulgence for himself or the British Government. The House was fully entitled to make such criticism of them as they thought fit. He was pleading for the Indian leaders who had recently come to London—his friends as he was sure they would allow him to call them.

They were all men with very heavy responsibilities, who were spokesmen for large masses of their fellow-countrymen and women whom they had to carry with them in any approach to a settlement. He was sure the House would have no wish to say anything which might make it more difficult for these men to come together.

LORD LINLITHGOW ON BRITAIN'S DILEMMA

Lord Linlithgow, Viceroy of India from 1936 to 1943, made it clear that he was speaking for himself alone as an independent member of the House. He said: "We are pledged at present to hand over power to a properly constituted authority having

(Continued on Page 7)

come might warrant the price.

Adverting to the criticism in the United States of British rule in India, Lord Linlithgow (adds the Associated Press of America) said in the course of the Ind a debate: "Let them (the Americans) take a look over their shoulders across the broad Pacific, for there they will see far on the horizon a small cloud no bigger than a man's hand which may be destined to grow, and give much trouble in time to come. For, when we leave India we must expect that another will seek to take our place." Lord Linlithgow did not specify who he thought would attempt to take Britain's place in India.

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On the question of grouping, Lord Templewood said he had intended to criticise the proposal to refer the matter to the Federal Court. It seemed to him it was not a question susceptible of being put to the Federal Court, but he had gathered from the Secretary of State that the British Government was opposed to the question going to the Federal Court and he believed that would be a great relief to many in the House.

Asking whether the Scheduled Classes came within the definition of minorities under the Statement of May 16, Lord Templewood said that if they did, then their future was one of the questions which the British Parliament would have to satisfy itself upon when eventually they came to ratify the Indian constitution.

Lord Templewood asked whether the Princes were forming themselves into a confederation. He thought it would be a wise step. He further asked, on the subject of the Indian services, for a definite assurance, in view of a speech reported to have been made by Pandit Jawaharlal Nehru, that they would not be prosecuted or persecuted for acts committed in 1942 and that they would be protected by the British Government.

Lord Selborne (Conservative) said that he entirely dissented from the manner in which the British Government had handled the problem. "I think they have done everything they could to expedite the movement of events when all wisdom would have dictated going as slow as possible. If a crisis is reached in 1947, as I think it will be, it will be as a result of the bungling of the British Government."

Lord Lindsay (Labour) said the British might not sometimes like the way Pandit Jawaharlal Nehru told them exactly where they got off, but that was better than the state of affairs where the British gave a democratic government to Germany which was not prepared to use it. What Pandit Nehru said was substantially true.

Lord Grenfell, who mentioned that he had served in India, pointed out that in the ghastly turmoil of Calcutta there was not so far, as he knew, one attack upon a British soldier. That could not be said about Palestine or Egypt. He asked if it did not show that the ordinary people were rather doubtful whether they wished the British soldier to go. He did not agree that a clash was inevitable, but if it did come he asked the Government not to let down those people, who had been of great service to Britain, although it meant loss of life to the British.

LORD CRANBORNE WINDS UP

Viscount Cranborne, winding up for the Opposition, said that he would not say that the Conservative Party were entirely satisfied with the Secretary of State's answer to the question put. But the answer which the Government had given as to their own views about the appeal to the Federal Court and the authority of the Constituent Assembly when one party was absent seemed amply to justify the debate.

He said that if India without Britain was two discordant nations, the argument for Pakistan was extremely strong. The Opposition felt that the Cabinet Mission did just what the National Government in 1942 recognised was a fatal error—they had failed to get an agreement between Hindus and Muslims and had yet gone ahead with their own proposals to set up a constitution.

He said that Sir Stafford Cripps and Mr. A. V. Alexander had sounded a not-unhopeful note. He hoped that they would whom they were concerned in their statement of May 16. There had been debates as to whether they were a minority or not but they were one of the peoples with whom the Minority Commission could deal. That was clearly put down in the May 16th statement.

Lord Templewood intervening said: "When the constitution came to Parliament for ratification, would the Scheduled Castes be one of the minority cases upon which it would have to be sastisfied?"

Lord Pethick-Lawrence replied: "I think that is certainly so." Continuing, he said that the Central Government under the existing circumstances had no power for the maintenance of law and order, unless their intervention was requested. There had in fact been no such intervention. He recalled that leading members of the Interim Government had visited Calcutta and Bihar and used their influence to promote communal peace with very valuable effect."

He had dealt with the position of the Princes in an earlier speech and he had nothing to add to it. There had been Press reports of uneasiness caused in the States as a result of resolution moved in the Constituent Assembly that India should become a sovereign independent Republic. He was not able to add anything on this other than what was available from the Press reports. He had no information on whether or not the Princes were forming a Confederation.

He had made inquiries and found that the speech by Pandit Jawaharlal Nehru at Meerut was made extempore and no verbatim record of it existed. He could, therefore, only repeat what he said when the question was raised, that he was convinced their Lordships had misjudged the main tenor of his speech but if attempts were to be made to punish Government servants who had acted in accordance with their duties, appropriate measures would have to be taken (Conservative cheers).

Lord Pethick-Lawrence said that he could not prophesy whether a constitution for India would be flexible or fixed. It was to be decided by Indians for Indians. Certain lines which would be fixed features of the constitution had been indicated but within that structure there might be considerable fluidity, but of that he was not in a position to judge.

Concluding, Lord Pethick-Lawrence said: "This question of agreement has ceased to be one enforced by this country upon India, but it remained owing to inescapable facts, a condition precedent to any stable constitution. No country quite irrespective of any foreign control can have a stable constitution if there is fundamental disagreement between two sections within it. I believe that is recognised by Indians just as it is by us.

"I hope that the transition in India, difficult as it must necessarily be, will be one carried out with goodwill, general consent and approval."

The debate then ended.—Reuter.

A PAKISTAN IN WALES

CARDIFF, Dec. 16.

The impasse in India was approximately analogous to the one which might arise in Wales if the demand for Dominion Status became a liver political issue, says the leading Welsh daily, *Western Mail*, in an editorial to-day.

The *Western Mail* adds: "The north would be in a permanent minority to the south and might prefer partition, similar to that demanded by the Muslims. Or the English elements who preponderate might protest that they do not wish to be separated from the British Parliament. History shows that the division of a state or a pro[illegible] of an imperative ne[illegible]

TWO QUICK WICKETS

OFFICE OF THE CONSTITUENT ASSEMBLY
ACCOUNTS BRANCH

244 81

For favour of signature at places marked X in pencil after affixing~~xx~~ -/1/- (One anna) Revenue Stamp and return.

The Rt. Hon'ble Dr. M.R. Jayakar, P.C.
26. Westen Court
New Delhi

Bhalla

L. Dutt 11/12/46
Superintendent,
Accounts Branch

20.

(y Rule 254.)

AVELLING ALLOWANCE BILL. (GAZETTED GOVERNMENT SERVANTS.)

INSTRUCTIONS FOR PREPARING TRAVELLING ALLOWANCE BILLS.

1. Journeys of different kinds and journeys and halts should not be entered on the same line.
2. Permanent travelling, conveyance and horse allowances should be drawn along with the pay of the Government servant and not in travelling allowance bills.
3. Fractions of a mile in the total of a bill for any one journey should not be claimed.
4. When the first item of a travelling allowance bill is a halt, the date of commencement of this halt should be stated in the "Remarks" column.
5. Against each entry in column 13 there should be a corresponding entry in column 14.
6. A certificate of attendance given by the court or authority should be attached to the bill, if travelling allowance is drawn under Supplementary Rule 154.
7. When travelling allowance is claimed in respect of a journey to or from a hill station, it should be mentioned in the "Remarks" column whether or not the halt has exceeded ten days.
8. A travelling allowance bill may, if desired, be enfaced for payment to a Banker or Agent and submitted for collection through such Banker or agent; this will obviate the necessity of the Government serevant's attendance in person orby messenger as payment may then be made direct to the Banker or Agent.

(Space for pre-audit enfacements in respect of bills submitted for pre-audit.)

FOR USE IN ACCOUNTANT GENERAL'S OFFICE.

Head of Account.—	Admitted for Rs. — Objected to Rs. Reason of objection.—
	Auditor. Superintendent. Gazetted Officer.

TRAVELLING ALLOWANCE BILL.
(Gazetted Government Servants.)

District: Bombay

Headquarters

Name: The Rt. Hon'ble Dr. M. R. Jayakar, P.C.

Designation: Member, Constituent Assembly.

Pay

Head of account.—
25—General Administration—
C—Secretariat and Headquarters Establishment
13-A—Constituent Assembly—
C—Allowances etc. of members

Month of December 1946

Voucher No. of List of payments for 19 .

PARTICULARS OF JOURNEYS AND HALTS							RAILWAY / STEAMER / AIR JOURNEY FARE†			DISTANCE TRAVELLED BY ROAD OR BY VALLEY				ACTUAL EXPENSES				
DEPARTURE			ARRIVAL			Kind of journey, i.e., by rail (mail or passenger), steamer†, air, road* or trolley.	Class	No. of fares	Amount	FOR WHICH MILEAGE IS ADMISSIBLE		For which daily allowance is admissible	No. of days for which allowance is claimed	Particulars	Amount	Purpose of journey or halt	Date of last visit	REMARKS
Station	Date	Hour	Station	Date	Hour					At ordinary rates	At other rates							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
									Rs. A.						Rs. A.			
Residence			Bombay (R.S.)			Road				12								
Bombay (R.S.)			New Delhi	7-12-46	11.30 A.M.	Rail	I	1 3/5 @ 98-12-0	158 —							To attend the Constituent Assembly Session		
New Delhi			Residence Queensway			Road				2			1					
													6					
Halt at Delhi from 7-12-46 to 12-12-46																		
Conveyance allowance for 6 days @ 15 Rs per day									90 —									

* Travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer, and travelling by canal. (The particular kind should be specified in the bill.)
† In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word "fare" should be held to mean "fare exclusive of diet".

	Rs.	A.
Railway, aeroplane or ~~steamer~~ fare (col. 10)	158	-
Road mileage—		
14/2 Miles @ 0-8-0 per Mile (col. 11)	7	-
Miles @ (col. 12)	~~2~~	-
6 days for which daily allowance is claimed (col. 14) @ Rs 30/- pm	180	-
Conveyance Allowance for 6 days @ 15/- per diem	90	-
Actual expenses (col. 16)		
Total	~~435~~ 429	-
Deduct Single / Double Permanent Travelling Allowance for days (Supplementary Rules 67 and 68)		
Deduct hire due to the Government (Supplementary Rule 183)		
Other deductions—		
Net claim	~~435~~ 429	-

Rupees ~~Four hundred and thirty five only.~~ Four hundred and twenty nine only.

Contents received.

Please pay to.....

Payable by cheque on the Imperial Bank of India, New Delhi.

Member, Constituent Assembly of India.

Signature of the Government servant who travelled.

Office

Date 11/12

MEMO.

11/12

	Rs.	A.
(a) Appropriation for 19 -19		
Expenditure including this bill		
Balance		

Passed for Rupees ( )

Date

Controlling Officer.

Pay Rupees ( )

Date

Treasury Officer.

CERTIFICATES.

Certified that no amount has been claimed for this journey/period in any bill drawn from any other official source.

Member, Constituent Assembly of India.

Countersigned.

Under Secretary,
Constituent Assembly of India.

(a) If there is a combined appropriation for travelling allowance of gazetted and non gazetted Government servants, the combined appropriation and expenditure should be shown in this column.

GIPD—S1—3 CA—9-8-46—2,500.

Telegrams : LALJUGGI
Telephones : 2532, 2533, 2534.

P C P

J. K. CENTRAL

PLANNING, CO-ORDINATION & PUBLICITY

CA 209

Hon'ble Dr. M.R. Jayakar
Member Constituent Assembly
New Delhi

82

KAMLA TOWER,
CAWNPORE.

19th Dec. 1946

Dear Sir,

I am very glad to see in today's papers that Sir Gopalaswami Iyengar has agreed with my plea made in the article on the Problem of Group Constitution in the October issue of J.K.Review that the voting in Sections should be province-wise and not by individual members.

I beg further to point out that a resolution to this effect will not be an amendment of para 19, clause 5 but will be under "General Order of business" in para 19, clause IV, and therefore, will be in the absolute discretion of the Constituent Assembly as a whole. It will not be a major communal issue because it is not an issue between communities in communal matters, but refers equally to Muslim and Non-Muslim provinces like Assam, Frontier, Beluchistan and also Sind, Bengal and Punjab. Being a procedural matter no community has a right to get it referred to the Federal Court.

In my next issue I am submitting important questions about dividing the provinces of Bengal, Punjab and Sind and on the Problem of the States and the Exchange of Populations. I hope my next issues will receive from you as earnest a consideration as the October issue has had the privilege to get.

Yours faithfully,

Jwala Prasad Singhal

Editor,
J.K. Review.

C.A./Accts(138)/T.A.-46

250

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18th December,1946

OFFICE MEMORANDUM

With reference to his remarks in the T.A. Bill placed below, the Hon'ble Dr.M.R.Jayakar is informed that a T.A. bill containing the Railway fares ~~and~~ for the forward journey as also Daily Allowance and Conveyance allowance for the period from 7th December,1946 to 12th December,1946, was forwarded to him at 1A-Queensway. Possibly the same was not received by him. A fresh bill containing Railway Fares for the forward and the return journeys as also the daily allowance and Conveyance allowance for the period from 7th December to 18th December 1946 is however submitted herewith for his signature and return so that a cheque for the amount may be issued in his favour.

for Rs 862/-

S.K. Bose 18/12/46

(S.K.Bose)
Accounts Officer

The Hon'ble Dr.M.R.Jayakar,
26-Western Court,
New Delhi.

GOKHALE INSTITUTE OF PUBLIC AFFAIRS
BASAVANGUDI P.O. (BANGALORE CITY)

D. V. GUNDAPPA
Secretary

C.A 84

December 18, 1946.

Dear & Esteemed Sir,

May I write & say how fully in agreement I am with the line of argument adopted in your remarks in moving an amendment on Pandit Nehru's resolution ?

It seems to me Dr. Shamprasad Mukerji and others who opposed you were irrelevant. The question is simply one of expediency. Neither law nor the inherent merit of Pt. Nehru's ideals is in question. I think Dr. Mukerji missed the point in holding forth that nothing in Nehru's resolution is inconsistent with the kind of constitution suggested by the Cabinet Mission. There are a good many other things for the Assembly to keep in view than the things contained in the Mission's statement. Indeed, conciliating the States and the Muslim League is a point germane to the Mission's proposals.

Pandit Nehru is hardly democratic in seeking to have a matter settled before relevant parties are able to state their case, whatever it be. Personally, I have no more use for a monarchy than Pt. Nehru. Monarchy is today an out-of-date, useless, fossil-like impediment. But I should like to state that view myself or through a representative of my own. I do not want that others, not of my choice, should declare me a republican. I am particular that I should formulate my position by my own free volition. I do not want even a thing I like forced upon me or pre-decided for me by others. I understand this to be the essence of democracy. The individual must count for something.

It is because of this faith that I felt specially happy and grateful on reading the report of your speech.

May I say I am an old admirer ? I first heard you from the Congress platform at the Special Session in Bombay in 1918, — when you enlivened the house with a

REPLY OVERLEAF

December 23, 1946.

My dear Mr. Gundappa,

I thank you very much for your kind letter of the 18th, approving of the amendment I proposed to Pandit Nehru's resolution and of the speech I made in that connection. It is a great consolation to me that an old public worker like you approves of the stand I took. I quite agree that most of the speeches made in opposition to my amendment were irrelevant. I am very glad, however, to see that, although strongly opposed at the time by irreverent interruptions, my proposal has met with approval and the resolution is now postponed for further discussion to a later date.

You have perhaps noted that I am not on any of the Committees so far appointed and I am not particularly anxious to be on any one of them against the wishes of the men in control of affairs at New Delhi. But, I would be delighted to work on the Committee mentioned in your suggestion. I am not sure whether Sir N. Gopalaswami Iyengar, in his present mood, will accept your suggestion.

I shall be delighted always to hear from you whenever you think it necessary to write to me. I have now received, under a separate cover, your statement suggesting the postponement of Pandit Nehru's resolution. I did not get a copy of it when I was in Delhi.

Yours sincerely

ಗೌರವಾನ್ವಿತ ಮಾನ್ಯ ಶ್ರೀ ಗುಂಡಪ್ಪ ಅವರಿಗೆ,
ನಮಸ್ಕಾರ. (ಕಂಗಳಿದು ಸಹಿ)

GOKHALE INSTITUTE OF PUBLIC AFFAIRS
BASAVANGUDI P.O. (BANGALORE CITY)

D. V. GUNDAPPA
Secretary

a simile from "Alice in Wonderland" - emphasising "Jam tomorrow, no jam today". The last occasion was at the Sapru Conference in Poona five years ago. I am not sure you could recall a small episode that happened then. I was called upon to second one of the resolutions. I went on the platform and spoke just two or three sentences. Then, I began a sentence to urge the importance of considering the matter with reference to the Indian States also. The moment I uttered the word "States", the chairman's deprecatory voice cut me short and I dared not proceed in despite of that frown.

I take it it is now generally realized that the States are not to be escaped, bothersome though they be.

In a short memorandum I sent for distribution among members of the Const. Assembly, I have set out the case from the point of view of the People of the States. I do not know if a copy fell into your hands. I have today sent a copy to your address separately by Air-Mail. I beg you would kindly accept it. Of course I am aware of your deep interest in the States problem. I have a copy of the address you delivered two years ago as president of the Deccan States People's Conference; and I have been following the reports in the press of the help you have been giving to the Mahratta States in creating a High Court for themselves and in forming a regional union.

I trust you would permit my writing to you on the subject whenever I feel there is something to be done for the States & their People in the Constt. Assembly.

With respectful regards,
Yours Sincerely,
D. V. Gundappa

Dr. M.R.Jayakar,P.C.,
Member, Constituent Assembly,
New Delhi.

GOKHALE INSTITUTE OF PUBLIC AFFAIRS
BASAVANGUDI P.O. (BANGALORE CITY)

D. V. GUNDAPPA
Secretary

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I have written about this to Dr. Kunzru, not yet to Sir N. G. Can give Sir N. G. will be appropriate

A SUGGESTION

May I make a suggestion ?

If Dr. M.R.Jayakar, Sir N. Gopalaswami Ayyangar and Pandit H.N.Kunzru would form a committee of themselves to study the States' problems and give advice thereon to the Constituent Assembly, I should esteem it a capital service. They may take a few others of their own choice as fellow-members of that unofficial & informal committee. Perhaps Dr. Ambedkar (who, I know, was once interesting himself in the States' problem) may be thought of. But the three I have named are the most important. Their united voice cannot go unheeded.

They may get into touch with Dr.Pattabhi Sitarammayya & Dr.J.Nehru on the one side (as leaders of the States People's Conference) and with the Crown Representative & the Political Dept. on the other side. There is the most urgent need for such an influential liaison agency.

Without tact and some amount of compromise, the task must remain hopeless.

D. V. Gundappa

C. A. 253

ॐ

Palasgarh Bungalow,
NAGPUR.

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TO

THE MEMBERS OF THE CONSTITUENT ASSEMBLY,

NEW DELHI.

Sir,

We, the Zamindars and Malguzars of Central Provinces, congratulate you for being the chosen representatives entrusted with the work of framing a constitution for the free people of India, under which would evolve a Government of the people, for the people and by the people.

2. We wish to lay our case before you, with a hope that due safe-guard would be provided for our class in the Constitution of Free India; we believe that our view point is shared by the other members of our class strewn over other parts of India, for whom also we are making this appeal to you. There is besides a special duty fastened on you to make a list of Fundamental Rights and Clauses for the protection of minorities, for being incorporated in the Provincial, Group, or Union Constitution.

3. It is extremely difficult for us to address you under one memorial, selected as you are under the patronage of the Congress, Muslim League, Hindu Sabha, Scheduled Castes, back-ward classes and other groupes in the country. And yet, to steer our way clear of the various controversies between you all, we wish to present our view point in a manner least objectionable to any of you. This is all the more necessary for us as in our fold of Malguzars and Zamindars are represented all the parties represented by your membership and also by those who claim the privilege of being non-party-men.

4. We are intruding on your valuable time and attention in a spirit of non-partisans, except as lovers of freedom for the mother-land. May we not hope that you should look at our appeal purely from that point of view? Unless we felt confident that you would shake off your partisan spirit in appreciating and deciding our appeal, there was no purpose in troubling you with this note, particularly when the majority party in the country *viz.* The Congress has sworn its determination to annihilate our class. Emboldened as we are by many Congress men in our class, we have ventured on this project.

5. We claim protection and recognition for our rights either under the category of fundamental rights or the protection of rights of minorities. The guarantee of fundamental rights and protection of rights of minorities is the corner stone of the Cabinate Missions' proposals; all parties who have secured entry in Constituent Assembly are in honour pledged to comply to the safeguards of fundamental rights and protection of rights of minorities. The very acceptance of the Missions' proposals implies that the private rights cannot be annexed or merged in the rights of the state and that they would be continued and allowed to exist. Soviet imitators have therefore no scope for their machinations on the floor of the Constituent Assembly for abolition of rights in property or curtailing personal rights. It will be clear sabotage of the Missions' proposals and breach of faith if the rights, existing as they are, of the Malguzars and Zamindars are allowed to be torpedoed by any Resolution or Legislation. Nay it has become necessary to make a special mention of the preservation of our rights, stopping any mischief leading to extinction or abolition of our class.

6. Ont status as Malguzars and Zamindars is nothing but an interest in tangible immoveable property, heritable and transferrable like any other property. The property has characteristics of any other property recognised by law. Even under the existing law, the rights of Malguzars and Zamindars can't be expropriated without compensation. In spite of this, and inspite of the fact that the question of fundamental rights and protection of rights of minorities is pending consideration before the Constituent Assembly, an unseemly haste has been exhibited in matter of expression of opinion by the Legislatures for abolition of our class. This has in fact necessitated our approach to you for protection to our class being mentioned in the Constitution.

7. Our claim for special mention is based as being founded on fundamental rights of private property. It is also based on our class being a minority. It could not be reasonably disputed that we share the necessary requisites of being described and understood as a minority in the words of Cabinet Mission's proposals; in case there is any doubt, the matter can be got cleared up by reference to the Federal Court. In the past, protection or imposition of disabilities had been fastened on our class treating us as a minority.

8. Ordinarily these provisions are inserted in many constitutions, notably in those of the European States formed after the First Great War. Congressmen amongst us feel that asserting of public demands in this country for any particular right is the most effective method of ensuring the destruction of that right; but we feel, and we have been able to persuade Congressmen amongst us to our view, that members of Constituent Assembly will have no feelings of retaliation against our class, and there would be equality of treatment in matters of every kind of property. The Constituent Assembly could be perfectly justified in incorporating identical guarantees for rights to private property and other fundamental rights which would be incorporated in the Charter to be issued by the United Nations of the World of which our country has the proud privilege of being a member.

9. Great hopes are raised in the minds of the public that the constitution which would be produced by the joint efforts of all the members of the Constituent Assembly subject to the approval of British Parliament would be ultimately put to the referrendum of the entire nation of India. It is the adult franchise universally made applicable to the country which can create a durable constitution. Unfortunately the Cabinet Mission has decided to sacrifice all principles of democracy and has given recognition to a kind of Facism destroyed completely on the Continent and in Japan in this war; there are mute and dumb millions who have been excluded from having a say as their voices are drowned in those vociferous claims of those who talk loudest that they alone can deliver the goods or they alone are the representatives. These considerations do arise because though in name a Constituent Assembly it is not anything beyond the Constitution making body working under the threat of being required to choose chaos and disorder, and even civil war, unless it produces an agreed Constitution acceptable to those who are supposed to quit and perhaps to those who are to stay as a different nation within what has so far been named as Hindusthan.

10. If the Constituent Assembly had been what it is understood in the history of the word in International World, chaos, disorder and civil war precedes the establishment of such a body; those who are in charge of destinies of the subjects have secured sovereign rights for the people and established their right to secure homage from one and all by rising above party shibboleths and have merged their individual or party identity at the alter of the country.

11. Moreover, is it very necessary to make a fuss of the constitution drafting for which all the discord and bad feeling is caused? All the wits have been exhausted in planning a constitution suitable for a country upto the year 1946; we have only to copy down—howsoever we may pretend to boast of originality—clauses or enblock, out of the constitutions of other countries. The blunder is sure to be committed in choosing mixed clauses,

or in picking those parts which are worst in different constitutions. In fact, have a fearless copy of the Soviet model or the American model. By pledging support to Mission's plans we are estopped from looking into Soviet Constitution. It would be committing clearly a breach of faith to introduce anything on the Soviet line, if the Model Constitution has to retain or revive any of the culture and civilization of this country. We have to strive to regenerate that unity and solidarity when respect for life, honour and property of one's own, will pulsate with the feeling of identity of those living in any nook and corner of this country and calling this country their Mother land. For such a millennium, let the rights of individuals, and in properties be sacrificed but not for anything short of this.

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12. We are afraid that for making a show of constitution making body resemble a genuine Constituent Assembly, appearances for showing similarity of faces on Soviet model to redeem the effects of pilgrimage to Moscow some sacrifice of nobility in the country would be made; we feel that our class is being made the scapegoat under the pretext to screen those who are really the capitalists but are the genuine masters of the voices reflected in the mouths of political parties. We are against all such reforms, much less partial introduction of any dogmas.

13. We can trace historically the origin of our class to a stable and civilized Government in this country, it has been the dream of everyone in the country to revive the old glory by having once again that state of things and that form of Government when the Indians were really able to drive the foreigners beyond its borders and not depend on their good-will about when and how to quit or make a show of quitting while in reality to get a renewed charter to stay on.

14. We do not claim any special treatment with regard to our properties but what we claim is that our properties as a class should not be touched by any legislation unless the property of everyone in the country is brought under hotch-pot simultaneously. We crave for nothing more and nothing less than the Charter of rights in private property based on the fundamental rights under natural and international law and also under the rights guaranteed to minorities.

15. Will you not assure our existence by providing a guarantee in the Constitution to be framed by you.

— JAI HIND —

NAWAB GHAZI,
OF GEWARDA ESTATE
Hony. Secretary,
Zamindars' Association.
&
President
'Hind Gram Sabha'.

NAGPUR,
D/— 22/11/46.

(The Aryan Press, Nagpur.)

No. CA/Acctts(138)/TA-46

CONSTITUENT ASSEMBLY OF INDIA

(Accounts Branch)

259

Council House,

New Delhi, the 19th December 46.
20th

From

S. K. Bose, Esquire,
Accounts Officer,
New Delhi.

To

The Agent,
Imperial Bank of India,
New Delhi.

Sir,

I have the honour to forward herewith a cheque* for Rs. 862/- (Rupees eight hundred and sixty two only) and to request that a Bank Draft on the Imperial Bank of India, Bombay, for the amount in favour of the Bank of India Ltd., Fort Bombay, may kindly be furnished to this office.

784991

I have the honour to be,
Sir,
Your most obedient Servant,

Sd/- S. K. Bose.

(S.K. Bose)
Accounts Officer.

Copy forwarded to the Hon'ble Dr. M. R. Jayakar, Ashram, Winter Road, Malabar Hills, Bombay, 6 for information.

The Bank draft will be forwarded to his Bankers direct on its receipt from the Imperial Bank of India, New Delhi with instructions to credit it in his accounts.

BDJ

S. K. Bose 19/12/46

(S.K. Bose)
Accounts Officer.

GOVERNMENT OF INDIA
ESTATE OFFICE

From

Rai Sahib G.T.Meshram,
ESTATE OFFICER.

To

~~M.R.Jayakar Esquire,~~
Member Constituent Assembly,
C/O The Hon.Sir Sobha Singh,
Baikunth, New Delhi.

No. 582/E.O.XI. Dated New Delhi, the 21st Dec. '46.

Subject:- Withdrawal of the allotment.

Dear Sir,

Reference your letter dated 14.12.46 the allotment of suite No.26-Western Court, made to you vide this office letter No.582-E.O.XI. dated 29.11.46, for the preliminary session of the Constituent Assembly, is hereby withdrawn w.e.from 15th December 1946.

Yours faithfully,

ESTATE OFFICER.

21-12-46

THE CONSTITUENT ASSEMBLY & THE STATES

A Memorandum by
MR. D. V. GUNDAPPA
(Hon. Secretary, Gokhale Institute of Public Affairs)
Bangalore City.

Agenda to be Re-arranged

It will be well if the Constituent Assembly would, at its first or preliminary meeting, take into consideration first of all the incompleteness of its own composition and the complicacies of the agenda drafted for it by the British Cabinet Mission in Paragraph 19–iv of its Statement of May 16, 1946 (cited hereafter as CMS).

That agenda, when analysed in the light of relevant facts and considerations, will be seen to contain, either expressly or by implication, certain items of business which may be dealt with at the *preliminary* session without injustice to any party even though the Indian States are not fully or even adequately represented in it (apart from other threatened defections), and certain other items which, for reasons set out below (Part II), can be justly and satisfactorily disposed of only at a *full* session, that is—when representatives of the States (and any other party not actually represented as proposed at the preliminary session) have joined the Assembly in full strength.

It will therefore be both fair and expedient for the Assembly to arrange the details of its business under two heads, as shown below :—

I. For the Preliminary Session

(1) Electing an Interim Chairman (apart from the Provisional Chairman, Dr. S. Sinha, appointed just to initiate the proceedings) that is — a Chairman to hold office until a Permanent Chairman is elected at a full session (defined above).

(2) Settling the Order of Business other than that relating to the States (and other absent parties).

(3) Settling rules of debate and other points of procedure.

(4) Authorizing the Chairman to issue, in his discretion, summary reports of the Assembly's transactions as early as practicable for the information of the public.

(5) Resolving that the appointment of the Advisory Committee on Rights of Citizenship, Minorities etc. (required in CMS Par. 19-iv & 20) shall take place at the first *full* session.

(6) Considering the following proposition :— "That it is not necessary that the Assembly should divide itself into Sections A, B & C for considering whether any Group Constitution should be set up for Provinces (as proposed by the Cabinet Mission in

(7) Considering the following proposition :—

"That the Assembly accepts in general the principle of forming separate Provinces on the bases, as far as possible, of the linguistic, social, cultural and other sub-national affinities of the preponderant section of the population of any region or area large enough to constitute a unit of administration, and appoints committees (as may be named) to suggest measures necessary to give effect to the principle."

(8) Deciding to set up a Corresponding Committee, consisting of members equal in number to those of the States' Negotiating Committee (CMS, Par. 19-ii), for the purpose of dealing with the said Negotiating Committee—

(*a*) after that Committee is so re-formed that at least a half of its personnel is made up of the authentic spokesmen of the People of the States (chosen by the Crown Representative in consultation with the States' People's Conference) ; and

(*b*) on the understanding that —

(i) not less than 70 out of the 93 seats allotted to the States in the Constituent Assembly will

be given to the elected representatives of the People of the States ;

(ii) that the States will become members of the UNION OF INDIA on such terms as may be passed by the Assembly ; and

(iii) that the States will also adopt a suitable form of democratic responsible government for their internal administration, as may be recommended by the Assembly.

(9) Resolving as follows :—

"That in the case of the States which do not agree to be represented in the Constituent Assembly on the above terms (and any other parties declining to come into the Assembly), the Constituent Assembly may at its next session adopt such measures as may to it seem proper for securing the due representation of the People of the States (or other interests) concerned."

(10) Resolving as follows :—

"That it will be open for a representative of a State (or of any party not duly represented at the preliminary session) to move the Assembly at a *full* session to re-consider any matter of interest to the States (or other parties) decided at the *preliminary* session."

II. For the Full Session

[*When all the 385 seats including the 93 assigned to the States are duly filled.*]

(1) Electing a Permanent Chairman and other officers (CMS, Par. 19–iv).

(2) Finalizing the rules of procedure and order of business adopted at the preliminary session and supplementing the same as may be deemed necessary.

(3) Setting up an Advisory Committee for Rights of Citizenship, Minorities etc.

(4) Finalizing the preliminary session's decision on the CMS proposal about the Grouping of Provinces [proposition in (6) above] and taking consequential action.

(5) Taking decision on the reports of the committees on the question of Linguistic Provinces [Prop. in (7) above].

(6) Considering the report of the Corresponding Committee on its work in collaboration with the States' Negotiating Committee ; and taking any necessary steps to secure the full direct representation of the People of the States [(8) & (9) above].

(7) Appointing a Special Committee to consider the problems of the States in detail and make comprehensive recommendations on measures necessary to bring them into the All-Indian Union [as stated in (8-b) above].

(8) Adopting the following resolution :

"That the Government of the UNION OF INDIA, notwithstanding any reservation of power made for the States and the Provinces, shall have power to take action in all emergencies to secure the maintenance of peace, order and good government throughout India."

(9) Considering what additions should be made to the list of subjects assigned to the jurisdiction of the UNION OF INDIA by CMS (Par. 15 [i]).

(10) Considering what instructions may be given to the Committees appointed to deal with the constitutions of the Provinces and the States.

Please see Recommendations I to XIV at the end, page 20, on what is needed for the States.

The States' Grievance

The trouble about the Indian States, to put it in one sentence, is that there is a dualism in the personality of the State owing to the absence of a democratic constitution to fuse the Ruling Prince and the People into one single and solid political entity; and this fact is aggravated on one side by the secret power of the foreign-dominated bureaucracy of the Political Department, which works in the dark sheltered against public scrutniy and whose members are not unnaturally interested in the continuance of the existing conditions which are obviously so advantageous to them personally, and on the other side by the influence of Dewans or Prime Ministers who, in almost all important States, are to-day outsiders to the State concerned and are in no manner representative of the public opinion of the State and would not willingly put an end to the *regime* which can thus secure to them office and salary without responsibility to the People of the State. The Prince's habitual love of autocracy, aided by the hidden hand of Suzerainty's agent and encouraged by the time-serving accents of the carpet-bag Dewan, imperils the future of the States' People and the prospect of India's independence alike.

PART II

Defects in the C. M Plan

When the Constituent Assembly meets for the first time (on the 9th of December, 1946, as at present announced) the first fact to receive its attention should be its own half-born condition and the consequent deficiency of its title to speak and act in the name of the entire nation. The Assembly cannot but view the howling gap in the States' quarter of its meeting hall as a serious detraction from its moral authority. The task it has to essay is all-Indian in range, not simply British Indian. The Cabinet Mission has itself recognized the impossibility of detaching the States from the rest of India when the object in view is an independent and fully sovereign national polity. With so much as a fourth of India's population left out to cool its heels, how can the Assembly bring itself to believe that it can go on by itself? The competency conferred on the Assembly by the Cabinet Mission's Statement of May 16 can at best be construed as of but a formal kind, but not of the moral kind. The emptiness of that formal competency is emphasized by the fact that it will be open to the States to ignore the Assembly and stand aside. The Assembly's moral title can be at its best only when all the 93 places set apart for the States are duly filled, a great majority of them by direct representatives of their People.

The next question for the Assembly's attention is the inappropriateness and the inadequacy of the scope of the agenda suggested by the Cabinet Mission (Par. 19-iv). The items of business specified there are, in that very order, the following :—

(i) Settling the general order of business;
(ii) Electing a Chairman and other officers;
(iii) Setting up an Advisory Committee on rights of citizens, minorities etc; and
(iv) Dividing into Sections A, B & C to consider the the question of Grouping the Provinces.

Agenda to be revised

This agenda has the following defects :—

(i) The need to reverse the order of the first two items is obvious. No business can validly be transacted by a meeting when it has no chairman to conduct its proceedings.

(ii) All the four items noted are of interest as much to the States as to the rest of India (as shown in part III of this pamphlet). It would be neither fair nor helpful to decide such all-Indian questions while the States' men are not enabled to be there.

(iii) The fourth item above (the Grouping of Provinces) raises certain fundamental questions :—

(*a*) Should not the Assembly have a chance of considering for itself whether grouping is necessary at all ? Let the ultimate decision by all means be, if it will, as recommended by the Cabinet Mission. But should not the Assembly as a whole be free to examine and discuss the matter with an independent mind, and to attempt to reach a decision by methods of mutual persuasion, whichever be the nature of that decision? If not, the freedom postulated in Par. 15 (5) by the Cabinet Mission is clearly an illusion.

(*b*) Should the Provinces be dealt with on their present territorial bases, or will there have to be a redrawing of Provincial boundary lines in closer conformity to the linguistic and cultural or religious and social bonds that bind the preponderant section of the inhabitants of any large area ? The Constituent Assembly cannot hope to produce a durable and stable constitution without taking into account the growing strength of sub-national aggregations.

(iv) The proposed agenda takes no note at all of the large and complex body of problems which concern the States, as a class, although the Cabinet Mission has counted the States among the inevitable components of the Union of India.

Assembly's Competency

Thus the need is unquestionable for interpreting the agenda drafted by the Cabinet Mission and clarifying its details. And there can be no question as to the Constituent Assembly's competency to set right the defects. That competency is derivable from the fact that the Cabinet Mission did at first try to get the Indian parties themselves to come to a settlement by their own mutual adjustments, and that it is only when that effort failed that the Mission produced a scheme, as it then had to. The scheme was meant more to furnish a starting point than to tie up the hands of the parties against any possibility of the far better kind of settlement at first intended, — by their own free & unanimous choice.

It should also be remembered that the Cabinet Mission had to produce its scheme in a hurry and in an atmosphere of excitement and distrust and threats of revolt. It is more than likely the Mission had become timid and nervous. Leisured deliberation and careful re-examination were not available to its scheme. Hence the blanks and hiatuses in it which it is for the Constituent Assembly to make good.

The Assembly will not be justified in considering itself helpless as against the manifest defects of the Mission's agenda. The Assembly is indeed endowed with the fullest measure of freedom to adopt any alternative proposal in preference to the one offered in the Mission's statement of May 16,—provided it is adopted *nem con* or at least in accordance with the rule in Par. 19-vii of C.M.S., requiring for the decision of a question "a majority of the representatives present and voting of each of the two major communities." It is of course to be wished for as the very best that settlements should be reached purely by methods of good sense and compromise and amicable adjustment and without recourse to the rule above quoted; and

every member of the Assembly should make it a point to remember that he owes it to the country to be persuasive and conciliatory towards fellow-members holding views differing from his own. We have all got to live together, in any case. Any sacrifice let us agree to make for the sake of Unity, if only it will be a lasting Unity.

PART III

THE QUESTIONS OF THE STATES

British Paramountcy & Indian Freedom

1. The plan of the British Cabinet Mission offers no certain or adequate opportunity to the People of the Indian States to secure their own future. From the indefinite and haphazard part proposed for the States in the working of the Constituent Assembly, it is evident that the Mission had in its mind no just or serious appreciation at all of the complexities of the States' problem and of its vital relation to the national issue. This grave defect in the Mission's understanding of the States' real position was rendered inevitable by the Mission's denial of opportunity to spokesmen of the States' People's cause to appear before it and submit their case. And while their request for interviews was refused time after time, the Mission kept itself open to influences from the opposite side. Certain undemocratic Princes and their friends, mostly strangers to the respective States, and seeing in the present condition of the States an opportunity for their own personal careers, obtained the Mission's ear. This fact must be taken to account for the Mission's manifest failure to render justice to the People of the States, which inevitably means also the practical nullification of the promise of independence so solemnly made to India.

2. For the complete independence of India, it is indispensable that the Paramountcy or Suzerainty of Britain in relation to the Indian States should be brought to an end; and if it should end without injustice to the parties concerned in India and without discredit to Britain herself, it is imperative that efficient arrangements should be made by the present wielders of that authority for the satisfactory transference to other hands of the fourfold powers and responsibilities comprised in the term Suzerainty affecting the rights and interests of the States and their People, namely:—

i) Protection and External Affairs.

ii) Supervision and Reform of the Internal Administration.

iii) The Hereditary Claims and personal dignity of the Ruling Prince.

iv) The General Good of India as a whole.*

For a proper disposition of these contents of Suzerainty, it is indispensable that the States should all be persuaded *first* to join the contemplated All-Indian Union as equal members with the Provinces of the present British India, and *secondly* to adopt for their internal administration a system of democratic responsible government under the constitutional headship of of their Ruling Princes. Such is the chain of the logic of facts. There can be no full independence for India without the federalizing and the democratizing of the States.

Dualism in the State's own Body Politic

3. There is at present a marked divergence of attitude and opinion in these vital matters between the People of the States generally and their Princes and Durbars. In view of this glaring dualism in the personality of the States, natural in the absence of the unifying offices of a democratic constitution, it is both just and fitting that the People of the States should be separately represented

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* Butler Committee's Report (1928-29), Paragraphs 45-56.

in the Constituent Assembly and all its auxiliary bodies by public workers authorized for the purpose by their fellow-citizens in some authentic manner.

4. The view that the Ruling Prince of a State is its sole and sufficient representative, because all acts of his Government are done in his name, is a purely legalist view and cannot be admitted where our concern is with that fundamental scheme of relationships between the ruler and the ruled which is called the Constitution of the State and is the source of sanction for all laws. We take our stand here not upon existing conditions, but upon the causes of which those conditions are the consequence, — not upon the formal rules of law as it is, but upon those positive facts and practical considerations which are the *raison de etre* of those rules. If legal authority were alone to count, the Provinces of British India would have to rest satisfied with being represented through their Governors, or as a concession, through their Premiers, whose signature is the final symbol of governmental authority. But the India we have been picturing to ourselves is a People's India every inch of it. The whole ideology of the Congress, and the whole philosophy of democracy, is a protest against the authoritarian assumptions of the existing constitutional law of the land. Hence the need for the direct representation of the States' People too in the task of framing the fundamental Constitution under which they also will have to live.

Mode of Representation

5. While the direct representation of the States' People must be insisted upon, there is no need to be finical as regards the technical details of the machinery of election such as ratios, constituencies etc. We have not the time now for elaborate methods. We should for the present be content to adopt some rough and ready procedure provided it can bring out a genuine expression of the popular choice. After all, the problems facing the States are

the same in their nature throughout India. The real conflict of interests is not between one State and another State, but between one section of *all* the States and the opposite section of *all* the States taken together. That being so, People's elected representatives of any 10 or 20 States scattered in some four or five different regions of India may safely be taken to speak for the entire body of the States' People. How much representation each individual State has received as its share is not the question here so much as how effectively the whole democracy of the States, counted as one single entity, is represented.

DANGER-SPOTS

6. The defects in the British Cabinet Mission's plan are chiefly the following :—

(1) It is left to the free option of the Ruling Prince of a State (i) whether to let his State take part in the Constituent Assembly or not, and (ii) even when the State has taken part in the Assembly, whether to let it join the resultant Indian Union or not. There is no certainty that there will be no non-co-operation from any of the States at either of the two stages. It is open to a State to declare its readiness to let the British Suzerain quit India whenever he wishes to do so and at the same time to decline to come into the national polity. It may choose either to stand alone as a fully sovereign independent State, holding its own against all, or to exercise its freedom to form an independent alliance either with Non-Suzerain Britain or any other foreign Power on a footing of equality. It would in either case be not different in effect from that very Pakistan which nationalist India and the Cabinet Mission have both rejected alike. That State would plainly be a menace both to the integrity and to the independence of India. Against such a contingency the Cabinet Mission has taken no precaution.

Negotiating Committee Undemocratic

(2) The task of persuading the States to take part in the Constituent Assembly and settling the conditions of their participation is entrusted to a Negotiating Committee which is packed with undemocratic Princes and their nominees and has provided no room by their side for the direct representation of the People of the States. Such a Committee, unless it be made representative of the popular will as well, can achieve little as against the obduracy of a Prince who has set his face against the new scheme, howsoever eager the People of his State be to move forward. The presence of the popular element in the Committee can alone guarantee that it will duly consult and appreciate the public opinion in the States.

(3) Even when a Prince has agreed to let his State take part in the Constituent Assembly, there is no certainty that it will do so through the direct representatives of its People. He may choose to send the nominees of his Durbar. The Negotiating Committee, when its own composition is so defiantly undemocratic, can hardly be expected to stand up unequivocally for the rights and claims of the People.

Why at only the Final Stage ?

(4) That it is only at the final stages of the Constituent Assembly and not at the beginning that the States' members are to join it is another unjust disability. The members of the Negotiating Committee may no doubt be part of the Assembly at its first stage. But that is not enough from the States' People's point of view. The items of business for the first meeting are : (i) deciding the order of business, (ii) electing a Chairman and other officers, (iii) setting up an Advisory Committee on Citizenship Rights, Minorities etc., and (iv) forming Sections to consider proposals for the Sub-Union Grouping of

Provinces and the framing of provincial constitutions All these are matters of as great concern to the entire body of the States as to British India. Members of the unrepresentative Negotiating Committee cannot be presumed to exercise their voice and vote in accordance with the will of the People in these matters. Let us go a little into details on these points:—

Order of Business

(i) When questions of the Order of business are under consideration, two things are possible :— (*a*) The Princes and Ministers constituting the Negotiating Committee may argue that questions affecting the States may be kept by till the Assembly reaches its concluding stages. If this plea were allowed, the questions may get no chance of being fully and carefully considered at all, as every member would naturally be fatigued, impatient and in a hurry when about to reach the end. Matters vital to the People may thus come to be perfunctorily disposed of in that hurry. (*b*) The Negotiating Committee may plead for a declaration to the effect that questions pertaining to internal administrative and constitutional reforms in the States are a purely domestic affair of their own and therefore outside the purview of the Constituent Assembly. Such a declaration must obviously spell the strangling of all hope of emancipation for the People of the States and the indefinite postponement of the day of India's deliverance.

"Order of business" is thus a matter of immediate consequence to the People of the States.

Certain Other Matters

(ii) So is the character of the person elected Chairman or any other functionary of the Constituent Assembly. Members representing the States' People will have to submit to the authority of the chair like other members and are therefore as much entitled to have a hand in the choice.

(iii) Fundamental Rights are a matter of even greater significance to the States' People, if possible, than to their brethren of British India. And the States too have Minority problems like the rest. They must therefore be able to join in setting up the Advisory Committee suggested by the Cabinet Mission.

(iv) The work of Provincial Grouping is also a matter of deep concern to the people of the States, at least in some of its aspects, inasmuch as they are bound to share their lot in common with their brethren on the other side of the border. The re-making of the shapes and sizes of the Provinces in British Indian territory, so as to conform better to the requirements of either the linguistic and cultural or the religious and social homogeneity of preponderating sections of the population, is a matter that must naturally affect the educational, social and general outlook of the States' People whose extra-political loyalties cut across the boundary. Thus also is it fitting that the States' representatives should have a share in the work fixed for the first meeting of the Constituent Assembly.

Why a Specal Agency is Needed

(v) There is another consideration too: and that one is of no less urgency. It is necessary that the Constituent Assembly should, at the earliest moment possible, set up an ancillary body,—similar to its Grouping Sections of A, B and C, relating to the Provinces of British India,—to deal particularly with the political and constitutional questions relating to the future of the States. They are highly complicated questions and call for special study. Important among them are the following:—

(*a*) Classifying the States under three heads:

A.—Big and individually capable of surviving and developing.

B.—Small, but capable of survival as units in a regional Sub-Union of similar units.

C.—Too small and isolated, and therefore fit to be mediatized and incorporated in a neighbouring State or Province.

(*b*) Formulating schemes for the regional grouping or Sub-Union confederation of the States of class B.

(*c*) Outlining the form of a constitution of democratic responsible government, with guarantees therein for the position of the Ruling Prince as trustee and guardian of the constitution, to be prescribed as a pattern for all States. In view of the recent attempts of several Durbars to palm off whimsical and counterfeit fabrications as genuine constitutional reforms, there is need for authoritative guidance as to the principles and standards to be kept in view by all the States, and that need can best be met by no agency other than the Constituent Assembly.

Rights of the States

(*d*) Drafting, for consideration by the plenary session of the Constituent Assembly, provisions to be incorporated in the Constitution Act of the All-Indian Union guaranteeing to the States (i) their territorial integrity, (ii) the dynastic rights and the special rank and status of the Ruling Prince and his family, (iii) the internal sovereignty and freedom of autonomy of the States, both big and small, (iv) the due observance of any special agreement made between an individual State (or group of States) and the Union Government on any matter local or particular to the State or States concerned, and (v) equality in status and title to the rights and benefits of Union Citizenship for the People of the States with those of the rest of the Union territories in all extra-State, all-Indian and international matters.

(*e*) Suggesting the form of an *ad hoc* agency to advise and assist such of the States as are unable to establish responsible government in its full form at once, in adopting

such administrative and constitutional reforms from time to time as will enable them to reach the goal of democratic responsible government within from five to ten years.

7. Questions under these five heads and others incidental to them cannot be avoided by the Constituent Assembly, integral as they are in the final analysis to the problem of India's independence, the States being an organic part of India. And they are not questions so simple and easy to handle as to be taken up at the closing session of the Assembly and disposed of in an offhandish manner. Their complexity calls for long-time study and deliberation in detail, and the Constituent Assembly must therefore appoint a competent body for the purpose. Thus viewed, it is both necessary and just to enable the States to participate in full complement in the work of the Constituent Assembly regularly and continuously from the moment of its starting. And the majority of the States' participants must be the People's men. In not having provided for this, the Cabinet Mission has grievously erred; and to leave that defect unremedied is to ensure an aftermath of trouble for the morrow.

States Ignored is Independence Postponed

8. It should be remembered that the Cabinet Mission has reserved for the British Government the right to revise the decisions of the Constituent Assembly under two heads:-

(i) Matters arising out the transfer of power from Britain to India, and

(ii) The Interests of Minorities.

Britains's Suzerainty stands clearly under the first head; and the population of the States (as well as the Princes) comes under the second. Not to deal with the States' questions comprehensively and as exhaustively as possible would therefore be for the Constituent Assembly to consent to the deferring of the issue of complete independence.

PART IV

HOW TO REMEDY

9. To remedy the defects in the Cabinet Mission's plan is not beyond the powers of H. E. the Viceroy & Crown Representative and the Constituent Assembly both acting in co-operation.

To secure a fair and satisfactory solution of the problems of the States after a due consideration of all the several legitimate points of view, action on the following lines by proper authorities is imperative :—

Reform Negotiating Committee

I. The Negotiating Committee should be enlarged by the addition of People's representatives not less in number than members of the other section (Princes and their nominees).

II. In view of the obvious need to economize time, the People's representatives may be appointed by the Crown Representative in consultation with the executive of the All-India States People's Conference (whose permanent President is the present Vice-President of the Interim Government of India, Pandit Jawaharlal Nehru).

Instructions to the Committee

III. The Negotiating Committee should be asked to reserve in the Constituent Assembly for the People's elected representatives not less than 70 seats out of the 93 allotted to the States (three-fourths).

IV. The Negotiating Committee should be authorized to form groups of the Smaller States for constituting popular eletcorates to return members to the Constituent Assembly, the ratio of representation being as far as possible one to a million of population as suggested by the Cabinet Mission.

Elections

V. The Negotiating Committee should arrange that where there is a legislative or municipal institution already in existence in a State, the elected members of that institution (of such institutions jointly in the case of a group of States) will be be asked to elect the required quota of representatives to the Constituent Assembly.

VI. Where there is no such electorate readily available, the Negotiating Committee should suggest a formula, in consultation with the State concerned, for the creation of an *ad hoc* popular electorate by some summary method.

VII. The elections should everywhere proceed with all possible speed. Every agency and instrument concerned must act as under an emergency. The more advanced States, if only they have the will, need not take more than two weeks to go throngh the whole process. For the other States, the Negotiating Committee should be able to furnish guidance after consultation in 3 or 4 weeks at the most; and those States should be able to put through the elections in from 4 to 6 weeks. If the Committee initiates action about the middle of December 1946, and if business-like procedure is adopted on both sides, People's elected representatives should be able to join the Constituent Assembly in March 1947 at the latest. But it need not be a condition that all of them should present themselves on the same date. Each State should be free to send its quota as soon as its elections are over, whichever the stage in the Assembly's proceedings at that date.

End of Paramountcy

VIII. The Negotiating Committee should be required to make it clear that until a State joins the All Indian Union, on terms prescribed by the Constituent Assembly, that State will have to accept the Union Government after

its establishment, as the sole agent of the British Government in respect of all those powers and functions that are at present exercisable as Suzerainty or Paramountcy by the existing Government of India on behalf of His Majesty's Government, — the complete extinguishment of Paramountcy coming only after the State has become a member of the Indian Union.

N. B.—On this point there is an obvious lacuna in the proposals of the Cabinet Mission. This should be got rectified as here suggested without any loss of time.

Citizenship Rights etc.

IX. The Negotiating Committee must insist that the Constituent Assembly should set apart for the States' representatives a third of the total number of places in the Advisory Committee on Rights of Citizens, Minorities etc. and in all other auxiliary bodies dealing with matters of common interest to both British India and the States.

Special States' Committee

X. The Negotiating Committee will have to agree that the Constituent Assembly should form a special Committee out of itself — analogous to its Sub-Union Sections for Provincial Groups A, B & C, of British India, — to deal particularly with the following questions [Par 6 (v) above]:—

(*a*) Classification of the States,

(*b*) Preparing plans for a regional Sub-Union grouping of the Smaller States,

(*c*) Drawing the model of a constitution of democratic responsible government for all the States.

(*d*) Drafting guarantee clauses for the security of the States in the Union, and

(*e*) Advisory Council for the States.

British India's Corresponding Committee

XI. The Constituent Assembly should consider whether it is at all necessary to set up a Corresponding Committee out of its British Indian part (as contemplated under the Cabinet Mission's plan) to deal with the States' Negotiating Committee, whose main business is to negotiate with the States (and not with British India) so as to bring them into the Assembly. If the Assembly comes to the view that the proposed Corresponding Committee of British India is desirable, it should resolve to set up that Committee

(i) only after satisfying itself that the States' Negotiating Committee has in its membership at least a half representing the People of the States directly (as suggested in Par. I above.)

And the Constituent Assembly should—

(ii) put into the Corresponding Committee only such members as undertake to support the States' People's cause in all reasonable cases, and should

(iii) instruct that Committee not to deal with the States" Negotiating Committee unless the Negotiating Committee definitely accepts the ideals of (a) democratic responsible government for the internal administration of the States and (b) membership of the All-Indin Union for the management of their external affairs, subject to the understanding that in giving practical form to both the ideals, the local circumstances of each State will be duly taken into account.

Preliminary Meeting of the Assembly

XII. If the Constituent Assembly at its opening session finds that its membership at the time does not include at least two-thirds of the total share of membership assigned to the States—say 65 (out of 93) with not less than 55 among them coming in as elected popular representatives,—it should

refrain at that stage from doing anything which might commit it to a view or a policy involving the States directly or indirectly. It may, if it would, elect a provisional Chairman for just that meeting and go through any preliminary or formal business that does not affect the States in any manner. But business specified in Par. 19-iv of the Cabinet Mission's plan of May 16 (Election of Chairman, Order of business, Committee on Citizenship rights etc.) and other important matters should be deferred to an adjourned meeting to be held some 6 or 8 weeks later (as indicated by H. E. the Viceroy) by which time the proportion above specified may be expected to have come from the States.

At that fuller meeting may also be taken up—

(*a*) the question whether effect should be given to the clauses in the Cabinet Mission's plan (Par. 15-v & 19-v, v, vii etc.) about the Grouping of Provinces, and

(*b*) the suggestion (above submitted) that the Constituent Assembly should set up a Section or a Committee of its own to consider and furnish advice to the Assembly on all questions pertaining specially to the States.

If the Committee Fails—

XIII. In case the Negotiating Committee does not agree to the conditions above indicated, or in case of its failure to persuade any State to come into the Constituent Assembly on terms offered by it and that before a specified date, the Constituent Assembly should consider itself free to employ any other agency of its own to deal with such States and to secure the due representation of the States' People in its membership by any method it deems fit, so that the Assembly's work may be carried forward to a successful conclusion.

The above are proposals connected with the composition and working of the Constituent Assembly.

There is need to submit one more point as an addendum.

Interim Consultative Council

XIV. Corresponding to the change in the complexion and character of the Central Government of British India, there must be a reform in the management of the Viceroy's Political Department. The existing regime in that Department is irritatingly out of tune with the times. The Crown Representative should take steps to constitutionalize its working by placing it under the supervision and guidance of a Consultative Council appointed by him to advice and assist him in all matters pertaining to the States. This Council must necessarily include an effective proportion of democratically representative public men drawn from the States. Like the new National Interim Government, the States' Council should continue functioning until the advent of the Union Government as the fruition of the Constituent Assembly's labours. Such a Council, acting through the Political Department, will co-operate with the Interim Government in making transition from the old to the new regime easy and agreeable.

Viceroy & Assembly Competent to Act

Revising and supplementing the Cabinet Mission's proposals on the above lines is not beyond the competency of the Crown Representative and the Constituent Assembly working in collaboration.

10. H. E. Lord Wavell would only be implementing the declared intentions of the Cabinet Mission in authorizing such action. The authority for it is unquestionably implicit in the several statements of the Mission and in the letters and pronouncements of its members. Unless His Excellency sees to it that the People's elected representatives from the States are brought into the Constituent Assembly in an effective proportion, and that too at the very beginning, and unless His Excelleney makes use of his present undoubted powers of Paramountcy to advise the

Ruling Princes to fall into line with progressive nationalist opinion in achieving a free and full-orbed Indian Union, Britain cannot hope to escape the old charge that she is not so good in performance as in promise. His Excellency has done not a little during his Viceroyalty to retrieve his country's name; and that encourages in us the hope that even this challenge of the case of the States' People will reveal him as a high-minded exponent of England's great tradition of liberty.

Congress Help

11. As to the Congress, the feeling among many of the workers for the People's cause in the States is frankly that the sympathy of the bulk of the Congress leaders for the cause is of a passive variety. They are no doubt willing to help; but when the critical occasion comes, they are apt to say to themselves— 'British India First,'—and make compromises too readiy over the States' questions. Of course they protest that freedom cannot be halved and that real freedom must be for all. If the Congress High Command had been actively interested in the cause, they could well have made it a condition of their accepting the Cabinet Mission's plan (*i*) that a good majority of the States' representatives in the Constituent Assembly should be men returned by some *bona fide* medium for the expression of the popular will, and (*ii*) that the representatives of the States should be enabled to join the Assembly at its inception. The Congress Working Committee may no doubt plead that it looked at the matter then from the point of view of expediency; but on deeper examination, it must become clear that that was a narrow view of expedieney, and really no expediency at all, because the problem is sure to leave behind a mocking residuum for us to face afterwards. The best that the Congress can now do is to see that the Corresponding Committee of the British Indian part of the Constituent Assembly, if formed, has in it a majority of members who will refuse to sacrifice the States' People's interests and

will insist on the five points above-specified [paras III, VII, VIII, IX & X],—particularly on these :—(1) Majority of States' representatives to be men returned by popular electorates. (2) States' members to take seats at the Constituent Assembly at the earliest moment possible to them ; (3) States' People's representatives to have effective share in important Committees like that on Citizenship Rights ; and (4) States' members to sit in a separate Section or Committee to deal with problems special to the States. It is obvious that even when the People's representatives are in the desired majority in the States' part of the Constituent Assembly, their cause can have little chance of success unless the Congressmen there give active help.

12. Help is needed from other political parties too. There will be in the Constituent Assembly distinguished representatives of other schools of political thought, eminent in the public life of the country and respected for their record of well-informed thinking and balanced judgement. This appeal is addressed to members of all parties and all groups which have for their ideal a free India worthy of the world's respect.

Basavangudi P. O.
(Bangalore City).
3rd December, 1946.

D. V. GUNDAPPA
(Hon. Secretary
Gokhale Institute of Public Affairs)

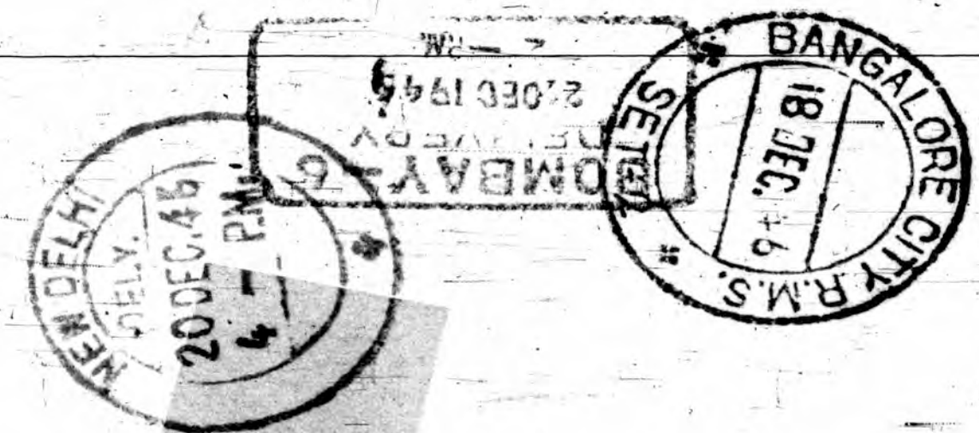
K. P. H. Press, Fort, Bangalore City.

GOKHALE INSTITUTE
OF PUBLIC AFFAIRS
BANGALORE CITY

Dr. M.R. Jayakar, P.C., etc.,
Members,
Constituent Assembly,
New Delhi.

Malabar Hill
Bombay

NEW DELHI



P. Balasubramanya Mudaliar,
Managing Editor,
"The Sunday Observer."

AIR MAIL

Mount Road P.O., Madras
19th Dec.46.

My dear Doctor,

This morning I sent you the following telegram which I hereby confirm:-

"MY HEARTIEST CONGRATULATIONS ON YOUR EXCELLENT SPEECH IN CONSTITUENT ASSEMBLY PLEASE KEEP ON INDIA'S DEMOCRATIC SPIRIT AGAINST CONGRESS FASCISTS"

Your speech in the Constituent Assembly is very much appreciated by all sections of people in this Province. I thank God on my knees that people like you are there to fight the battles of Democracy against the growing tide of Fascism.

I do not know whether you are getting the SUNDAY OBSERVER regularly; if not, I shall be mailing in future a copy every week to your Bombay address. Whenever you feel inclined to give full publicity to your views you may kindly send them to THE SUNDAY OBSERVER, which I shall consider a privilege to publish.

With best regards,

Yours Sincerely,

P. Balasubramanya Mudaliar

Rt.Hon.Dr.M.R.Jayakar,
Member, Constituent Assembly,
NEW DELHI.

Bombay
December 23, 1946.

Dear Mr. Balasubramania Mudaliar,

Thank you very much for your letter of the 17th, congratulating me on the amendment I moved to Pandit Nehru's resolution before the Constituent Assembly and the stand I took there. Perhaps your telegram of congratulations reached Delhi after I had left it on Thursday morning. None the less, it is a great consolation that public workers like you approve of my endeavour.

I do not get a copy of the 'Sunday Observer'. None has reached me so far. I shall be, of course, delighted to read it whenever I can get a copy.

With best wishes,

Yours sincerely

M. R. J.

P. Balasubramania Mudaliar, Esq.,
Managing Editor,
'Sunday Observer',
Madras.

THE INDIAN SOCIAL REFORMER

BOMBAY, DECEMBER 21, 1946.

A DISTORTED PICTURE

The controversy over the grouping provision of the Cabinet Mission has not been abated by the London conference. Speaking at the Constituent Assembly, Dr. M. R. Jayakar observed that on four points the Muslim League had scored. But Dr. Jayakar has added a third interpretation to the two furnished by Sir Stafford Cripps and Mr. A. V. Alexander, of the last sentence in the British Government's statement of December 7. Sir Stafford Cripps held that any Constitution framed by the Constituent Assembly, with the League abstaining, could not be enforced on those areas where they were in a majority. This excluded Bengal and Sind, since the League has not a majority in any of the other provinces in Groups B. and C. Mr. Alexander winding up the debate interpreted the statement's reference to "unwilling parts of the country" to mean unwilling community. Dr. Jayakar interprets it to mean all of Group B. and C. On the other hand a fourth interpretation is possible in which those areas in Bengal where non-Muslims predominate, will be taken out of the mischief of the exclusion. The confusion is solely due to the fact that British policy has degenerated to improvisation, and improvisation at the lowest level at that. Unfortunately, this is equally true of the attitude of the Congress. The Congress was faced with the alternative either of taking the narrowest possible interpretation of the May 16 statement of the Cabinet Mission and rejecting it outright, or of trying to induce the British to accept the most liberal reading. It sought the latter in a manner which has steadily manoeuvred it into a corner. Now it is the Congress which is faced with a dilemma. It ean indulge in a futile reference to the Federal Court; or it can accept the oft-repeated assertion of British intentions and, with some show of defiance, acquiesce in the grouping. In either case it has lost the constitutional battle, and its pledges to Assam and to the Sikhs stand in jeopardy. To cut the tangle, Sardar Patel has denounced all interpretations and seeks to go back to the May 16 statement in all its purity. The folly in this course of action lies in the fact that the germs of all later trouble are to be found in that statement itself. Moreover, there is no logic in the Congress insistence that the statement of May 16 is sacred and not to be touched. It is not a statute; it is a declaration of Britain's Indian blue-print. Where the intentions of the Cabinet Mission are in doubt, it is open to the British Government to make them clear. But it is not open to any other body, Indian party or Federal Court, to say that the intention was something different from what the British Cabinet maintains it is. It should not be forgotten that the statement was a one-sided declaration of policy, made on the failure of the Indian parties to reach agreement. It is not a treaty between the British, the Congress and the League which creates mutual obligations and so must not be altered except by agreement.

What is more important than this disingenuous quibble over words is the fact that grouping is unacceptable to Indian nationalist opinion, unjustifiable on grounds of democracy, and unworkable in practice. The British rejected Pakistan but tried to bring into being what they regarded as the practical part of it. Astonishing theories were devised in the name of democracy, the Mission refused to see an Indian entity and broke it up into majority and minority, and words were used which could have two meanings. Even Premier Attlee in his speech launching the Cabinet Mission spoke of not allowing the minority to hinder the progress of the majority—an entirely false presentation. It is correct to say that minorities will not be allowed to hold back the progress of the whole country because this does not postulate a dual interest. The conflict in Indian politics left to itself would resolve into a conflict between the Nationalists who feel that India's best interests will be served by unity and territorial integrity with a strong Centre, and the Disruptionists who feel that salvation lies only in breaking up the country into small States. This kind of conflict exists in many modern States and it is something that can be readily grasped. Once it is stated in general terms, the absurdity of inventing a plan which can hold the two together is evident. By their professions, the British Government as well as Opposition, have decided against Pakistan. But they have not decided for unity. From all that has taken place in recent months, it seems that the decision cannot be taken outside India, or by non-Indians. As a matter of fact, though the dispute at the moment is between the League and the Congress, it is not the case that there are no other parties to it. In a mild form the movement for linguistic provinces too falls into a challenge to the advocates of a strong Centre. That is the issue that has to be decided finally. If the verdict is for division, then it is not likely that division will stop at drawing the boundary of Pakistan. The entire country will split itself into several parts once the forces of division score a point. Already provincialism has grown and it will need no great strength for further development. If the decision is for a United India, then the course is obvious. It is useless to draw up schemes which are half-way between Pakistan and unity, and then expect all things to work out happily. The British Cabinet Mission declared that Pakistan was not feasible. Even in the Commons debate, all British parties declared their opposition to dividing India. But still, by weakening the Centre and creating compulsory groups, the same result is sought to be brought about. This is a most unsatisfactory state of affairs and it has to be ended straightaway. It is not only the British Government that has failed. The Congress has not given the lead which alone can give events the right direction.

It is no longer a matter of slogans. It is essential to get down to realities. If Pakistan, the creation of a viable Muslim State leaving a viable Hindustan, is not possible, then obviously the League leaders must be asked to indicate what practical programme they mean to put through in the Pakistan State and why they feel that it is difficult to achieve the same result in a United India. The protection of minorities cannot be secured except through the building up of a strong Centre. Besides, if the rights of the citizen are guaranteed, then there seems little point in recognising the rights of communities. This is either a redundancy or an indirect form of providing for privileged positions. There is no reason why what is beneficial to the inhabitants of the Pakistan State, should not be equally beneficial to all Indians. The oft-repeated assertions of League leaders that the Muslim way of life differs radically from the Hindu way, is not an answer to the request for a declared programme. It is not even true. What must be demanded is how that way of life is to be developed. If it is analysed, there would not be much difference between the ideals of different communities in India. Surely it would be easier for all to move forward towards the common goal than for each to get behind political boundaries and function in isolation.

THE CONSTITUENT ASSEMBLY

(BY K. NATARAJAN)

By the time this issue of the Reformer goes to Press, the Constituent Assembly in New Delhi would have sat for eleven days excluding Saturday and Sunday when it went into recess to allow time for the members to study and digest Pandit Jawaharlal's resolution, reprinted in last week's Reformer. As a result thirty-nine of the forty amendments proposed by members were withdrawn. On Monday when the Assembly resumed its sittings, there was only a single important amendment proposed by Dr. M. R. Jayakar. Obviously, Dr. Jayakar could not see his way to follow the example of the sponsors of the other amendments. Nothing but a peremptory sense of duty could have prevented him from doing so. He was in a difficult position. It was also a delicate one. He had been elected to the Assembly on the initiation of the Congress leaders. Owing to a delay in communication, he was not present in Bombay on the date fixed for election by the Legislative Assembly. Another man was elected on the understanding that he would vacate his seat for Dr. Jayakar on the latter's return from London where he had been sitting in the Judicial Committee of the Privy Council. On his return he was duly elected. For his part, Dr. Jayakar, would have accepted the Congress invitation as a call of duty. He had been alienated from that body for some years owing to differences of conviction. The invitation showed that Congress Leaders had not on that account lost their personal regard for him. The work of the Constituent Assembly too was pre-eminently one in which his learning, experience and personality could be utilised to the best advantage in the interests of the country. Soon after his election

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"I will be as harsh as truth, and as uncompromising as justice; I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—And I will be heard."

WILLIAM LLOYD GARRISON in the LIBERATOR.

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NOTES

Mr. Jinnah at Cairo:—Both Pandit Nehru and Mr. Jinnah were invited by Arab leaders for a stay at Cairo. Pandit Nehru's anxiety to return to Delhi made him give up the visit. Mr. Jinnah responded to the invitation. In the atmosphere of Cairo, Mr. Jinnah's habitual caution deserted him. Presumably the rejection of his Pakistan idea in India and Britain tempted him to try securing other friends. At any rate, his pronouncements in Cairo resembled very much the earlier effort to win Russian sympathy through a League personality. Mr. Jinnah in his speeches and writings in India has always disavowed pan-Islamism. In his letter to Gandhiji in September 1944, he dismissed it as a "bogey." In his speeches to his own followers, he has always maintained that the Muslims of India are distinct both from Indians and from other Muslims. He has even asserted on occasion that, as no help had come from other Muslims, it would be futile and foolish to assume an interest in Muslims outside India. In Cairo, however, Mr. Jinnah crossed the Rubicon and advised Egyptians and others that Pakistan alone would save them from present British imperialism and future Hindu domination in a far worse form. He does not appear to have been taken very seriously. At a Press Conference, pertinent questions about Egypt's claims to rule Sudan as a parallel to India's desire for unity provoked the League President to irritation. If anyone in the Middle East was disposed to take Mr. Jinnah's assertion that he was returning with better hopes of Pakistan seriously, he must have been disabused of the idea by the behaviour of Mr. Jinnah. A significant fact that cannot be ignored, is Mr. Jinnah's sudden realisation that the differences between Hindus and Muslims in India were not based on religion. Mr. Jinnah said they were founded in History. His knowledge and grasp of History, however, was never strong. Like other political leaders of the present day, Mr. Jinnah tends to speak of History when he means Politics, and Politics of very recent years. This was exactly what Pandit Nehru said at Cairo on his way out to London. It has taken Mr. Jinnah the trip to London and the chastening experience in Egypt to arrive at the same conclusion.

Gandhiji's Remote Control:—Pandit Jawaharlal Nehru in the Constituent Assembly regretted the absence of Gandhiji. In a sense very different to what Pandit Nehru intended, the absence of Gandhiji is something which is bound to hinder the smooth working of the Constituent Assembly. From his temporary residence in East Bengal, the Mahatma has pronounced his opinion on the objectives resolution, with an oblique rebuke to Pandit Nehru for too hasty decisions which have to be regretted. Gandhiji remarked that the resolution had presumably been taken up after mature deliberation. Therefore he felt that it should not be abandoned whatever criticism was offered. He enforced this with a reference to Pandit Nehru's London visit. Ideally there is a great deal in this advice. But in the circumstances prevailing in the Assembly, it is an ideal which has often to be departed from. The Congress members in the Assembly are 175. Besides these, the Congress has put in some thirty eminent persons whose contribution to constitution-making is valued. Dr. M. R. Jayakar is one of these thirty If the Congress section is working in unity, then Dr. Jayakar should have been consulted about the objectives resolution. Regarding grouping, Gandhiji's intervention threatens to be more serious: He has told the Sikhs and Assam that they must walk out if grouping is forced upon them. He has also dismissed the idea of appealing to the Federal Court for an interpretation. The idea of a reference first originated from Gandhiji himself. It was built up on an elaborate plea for crediting the British Cabinet Mission with the best intentions. Now his suggestion is tantamount to conceding that his assumption was incorrect and that the Congress lead was wrong.

he fell ill and had not completely recovered for many days when he had to attend the conference. High-sensitive on a point of moral obligation, it would have cost Dr. Jayakar much mental disquiet in having as a matter of conviction and duty to refuse to fall in with the majority of Congress members. His persistence was not appreciated. It was, indeed, resented. The Delhi Congress daily newspaper, head-lined his speech on Monday "Jayakar Advocates League's cause". Intended clearly as a taunt, it was a very high compliment which the journal paid to Dr. Jayakar. At the Round Table Conference fifteen years ago, Dr Jayakar incurred not only in League circles the odium of having come in the way of a settlement nearly concluded between Hindus and Muslims representatives. Since then, he has been regarded in these circles as anti-Muslim. It is the fact that he is a fine product of Hindu culture and is deeply conscious of its vital importance in the national evolution past and present, while some of the leading lights of the Congress profess to be and actually are totally indifferent or even antagonistic to any reference to it in thought or word in political planning, as a cause of offence to Muslims. That, nevertheless, he stood up in a largely hostile audience to plead for delay in view of the absence of League representatives, is highly honourable to him and creditable to his disinterested statesmanship. He stood practically above scoffs and resentful interruptions on Monday. But the tide has turned. He had with his body, so to speak, stemmed the sea which was flowing in to and threatened to submerge all opposition. Support came from an unexpected quarter. Dr. B. R. Ambedkar who was attending the Assembly to protest against the non-recognition of the scheduled castes as a distinct and separate communal element in the Indian population, affirmed in prophetic tones his implicit faith in the unity of India. He declared that Mahomedans too will realise this and join the national movement wholeheartedly if in course of time, and pleaded in the words of Edmund Burke for conciliation even of unreasonable prejudices for the great end of unity. He supported Dr Jayakar's plea for time for the Muslim League and the Indian States to participate in the great work for which the Assembly had been called. The Assembly was thrilled. And no wonder, passages in Dr. Ambedkar's speech are reminiscent of the most important addresses of Ranade to the Indian Social Conference. Dr. Ambedkar is a great admirer of Ranade and has spoken of him in an eloquent essay in terms almost of reverence which is not generally believed to be an element in his mental make-up. If this speech marks a fresh chapter in Dr. Ambedkar's public life, the Constituent Assembly, whether it produces a constitution or not, and even if it breaks up tomorrow, would go down in history as a landmark in our national evolution. As a friend remarked, it would have solved four-fifths of our problem. And, but for Dr. Jayakar's courageous persistence in face of opposition, Dr. Ambedkar's speech would not have been spoken. I have often felt impatient of what seemed to be a waste of time in Conferences and assemblies, but this incident has made me realise that if it be waste, it is wise waste fruitful of more benefit in the long view than "business-like" despatch inside a bureau. The speeches which followed were little mere than exhibitions of dialectual skid. But they had some surprises too. Sir N. Gopalaswami Aiyangar decried Dr Jayakar's imagination. Pandit Jawaharlal Nehru's resolution, in his opinion, was necessary to tell India and the world of what we aimed at achieving. In other words, as propaganda. Propoganda does not help constitution-making. Besides we cannot ourselves know what would be best until we have collected the facts and examined the conditions and related them correctly to the temper and traditions of the land and its people. Pre-conceptions are dangerous foundations on which to build a constitution for a country. Another surprise was Sir Alladi Krishnaswami Aiyar's proposition that there was nothing in the Pandit's resolution to which the Muslim League can take exception. He may be right from a lawyer's standpoint but Constitution-making is a political function in which the legal mind is needed only at the time of giving legal shape to decisions reacted by statesmen to whom legalism is not an end in itself. The question for him is not what Leaguers and Princes ought to feel and think according to the letter of the law, but what they actually feel and think. As to this their spokesmen have not left the Assembly and the country in doubt.

The Constituent Assembly has decided to postpone further consideration of Pandit Jawaharlal Nehru's resolution for a whole month. At the end of the month, it will find that the resolution needs drastic revision. "Republic" as the form or shape of the Indian Constitution, must go. For one thing, its relation to democracy, is by no means self-evident. Democracy is not a corollary of a Republic. The two American political parties are Democratic and Republican. If the one was inherent in the other, there will be no meaning in the distinction. Nor is Democracy inherently incompatible with Monarchy. In his Memoirs recently published Viscount Samuel writing of England at the death of George V (1935) observes: "The monarchy, declining in Power, had gained in stability; the country, becoming steadily more democratic, tended less than ever to republicanism". He goes on to argue that Monarchy and Democracy may be a wise and beneficent combination to large Empires. Viscount Samuel holds that monarchy has its advantages. He writes:

> One of the advantages incidental to a monarchy is that it lends seemliness and dignity to the State. The "body politic" should not be like some anatomical diagram—all muscles and tendons, veins and arteries: it should be presentable, with comely features. An ancient monarchy, with its own characteristic observances and ceremonies, may bring a touch of colour and romance to a civilization that is all too drab and utilitarian. It is not a derogation from democracy, but rather an enhancement, if the institution which symbolizes the nation as a whole is surrounded by attributes of majesty and dignified by occasions of splendour.

Lord Samuel's Memoirs give a historical and personal view of the Palestine problem, which reveals some points which have been obscure.

A BANDRA DIARY

I suggested last week with reference to Dr. Sachchidananda Sinha's commendation to the Constituent Assembly of the American Constitution as a model to be considered with suitable modifications for India that we had better stick to the British model with the theory and practice of which we are familiar, to which in fact we have taken like duck to water. Some of our leaders were profound believers in it almost to the point of reverence. Sir Narayan Chandavarkar when he was President of the Bombay Legislative Council in the Diarchic regime used every time to bow before the Chair before he sat on it. Even an iconoclast like Vithalbhai Patel wore a wig when he presided over the Indian Legislative Assembly though it must have been very trying in the warm early summer of New Delhi. The British system has become our political 'svadharma' and the Gita says it is better to perish in one's own dharma as a foreign dharma is productive of fear.

* * *

These observations apply to every part of the system and not merely to Parliament. It applies to the Head of the State also. The American constitution-builders did not want to have a King simply because if there was to be one he would have been the King of England who was also head of the Church from which they had revolted. The President was to be elected but for the four years of his tenure he was virtually more powerful than the King of England. Some one recently wrote of the American system as government by an absolute President qualified by leading articles. It will be asked if we have to have a monarchy, who would be the monarch? Lokawho happen to be born in the same geographical environment. Nevertheless, I recognise that the sentiment against a foreign ruler merely because he is not a native is too widespread to be lightly ignored. At one time I played with the idea of hunting out a scion of the last Mughal from Rangoon and installing him on the site of the Peacock throne in Delhi Fort, the imperial title being passed by an Act of Parliament by the British King Emperor to the Indian. This might be a way, I thought, of bringing the gulf between the Muslims and the Hindus. The Mughul Emperor was acknowledged as suzerain by all Indian rulers. Even Shivaji was not unwilling to rule as the Mughal's Viceroy. But things have now gone too far to admit of this course. My present idea is that the Imperial throne should be retained as the seat of ultimate authority but it should be declared perpetually vacant and the actual sovereignty should rest with a Regent as it is in Hungary with Admiral Horthy. The Regent should be elected for five or seven years. The advantage of the Imperial frame-work is that it can comprise different units under different systems which a Republic cannot as an integral and equal part within its orbit. It will give time to the provinces and States to evolve gradually into the form most consonant with the desire and capacity of their people. The Pandit's scheme would require the whole social, economic and political set up to be completely overturned and no one can say how long it will take to reconstitute them or if they can be reconstituted at all.

* * *

One word as to the sovereignty of

sister are university graduates. She is, if I remember, a graduate in Law. She can not be so foolish as to think that killing a few money lenders will put an end to usury. Government perhaps rely on police reports which some of its members have had reason in their pre-office days to denounce as faked and unworthy of credence. It is improbable that Mrs. Parulekar has the privilege of shorthand reporters shadowing her with a complement of photographers. But assuming that the report is correct and that she made the remark imputed to her, how does it follow that the offences were due to her speech? Post hoc ergo propter hoc, is listed high among logical fallacies. In Sanskrit it is known by the name 'kaka taliya'—a crow flew and the palm fruit fell to the ground. Therefore the Crow is responsible for the descent of the nut! Did any money lender undergo burial with or without being first killed? Money lenders and mothers-in-law are victims of malignant chatter. The money lender in the village performs useful and risky task which no bank or co-operative society will touch. He is the creature of a highly artificial currency system which only financiers who devote their whole lives to its operations understand and can take advantage of. From ancient times men whom posterity reveres as Master Minds have suffered from want. They produced works which have attained immortality but they themselves often had to starve for want of sustenance. "Seven cities claimed great Homer dead. Through which the living Homer begged for bread." The money lender helps the illiterate peasant and forest dwellers to secure the ready cash needed for his day to day life and the social and religious ceremonies which he regarded as essential and which indeed make life worth living to him. So the much-abused mother-in-law relieves the young couple of the ardous task of bringing up children. She is strict with the younger women in the family but not half as strict as she is with herself. To return to Mrs. Parulekar. Many political leaders in these days of greater freedom and less responsibility have used language about money lenders no less vigorous than hers. But unlike her they had never thought of living with and helping the adivasis in their life's problems. Something should be credited to her for her devotion to the cause of these people. They look upon her as their friend and look to her for and not to any official for guidance. Has the Minister thought of getting into personal touch with her and understanding her point of view? The bureaucrat is a slave to his routine. But not so a popular Minister. The Nazis did same things better than our democrats. A Magistrate who was trying a man for drunken conduct, did not issue a summons. He went round early morning next day to the women's home inspected the arrangements, pointed out certain defects, and advised her to try making the home more attractive to her husband. The idea that the official whatever his position is a helper and not a master should be instilled into the minds of the Indian people before they can be expected to enjoy the rights which are extended to them so profusely on paper.

—RECLUSE.

घटना समितीचा गाडा अडला ?

(स्थानिक प्रतिनिधी)

डॉ. जयकर

ही घटनासमिति... स्वतंत्र आणि अखंड भारताची राज्यघटना घडविण्यासाठी येथें जमलेले हे लोक... अखंड भारताबिषयीं त्यांचीं काय कल्पना आहे ? त्यांचा पक्ष हाच त्यांचा हिंदुस्थान काय ? कीं, आपल्या पक्षापुढें ते देशालाही मानीत नाहींत ? घटनासमितीचें सभासद होण्यांत आपण कोणतें वांण पत्करलें आहे, याची त्यांना कल्पना तरी आहे काय ?

घटनासमितीचें सोमवारचें दोन तासांचें अधिवेशन अवलोकन करीत असतांना वरील विचार अनेकांच्या मनांत सारखे उसळत होते. सभेच्या प्रांगणांत डॉ. जयकर आपल्या ठरावावजा उपसूचनेवर भाषण करीत होते. पण दगडावर पाऊस पडावा तसें त्यांचें अमोघ वक्तृत्व कांहीं श्रोत्यांवर परिणाम घडवून आणण्याऐवजीं निथळून जात होतें. श्रोत्यांनीं केलेलें डॉ. जयकरांचें स्वागत उपेक्षापूर्ण नव्हतें, तर उत्साहापूर्ण होतें, सन्मानाचें होतें. पं. नेहरू यांचा उद्दिष्टसंबंधींच्या घोषणेचा ठराव कायदा, व्यवहार व धोरण अशी तिहेरी दृष्टि राखून तहकूब ठेवावा असें जीव तोडून सांगणारा वक्ता कायदा, घटना आणि अनुभव अशा तीन भात्यांनीं सुसज्ज असलेला भीष्माचार्य असून त्यानें सांगितलेलें गुरुवचन उल्लंघण्यांत आपण हानीलाच पाचारण करीत आहों याची समितींतील कांहीं स्वतःस शिष्ट समजणाऱ्या पांढऱ्या टोप्यांना जाणीव झाली नाहीं आणि त्यांनी पोराला शोभणाऱ्या हुच्च पणानें डॉ. जयकरांच्या कांहीं उद्गारांचें स्वागत केलें पण कांहीं श्रोते प्रतिकुल आहेत. म्हणून डॉ. जयकर बिचकले नाहींत, वरमले नाहींत, कीं त्यांनीं आपला तोल सुटूं दिला नाहीं. पण शब्दाचा मार आणि तोही मर्मीप्रहार करणाऱ्या शब्दांचा मार त्यांनीं आपल्या ठरावाच्या आक्षेपकांना मात्र भरपूर चारला. आपण बरीच झीज सोसून काँग्रेसचें घटना समितीचें निमंत्रण स्वीकारलें तें आपलें कटु कर्तव्य करण्यासाठींच, असा त्यांनीं ठणठणीत जबाब दिला.

नवी कबुली

या वाक्प्रहाराचा एक मात्र चांगला परिणाम झाला. श्री. वल्लभभाई पटेल यांच्या तोंडून एक महत्त्वाची कबुली वदविण्याला "ब्रिटिश मंत्रिमंडळाचें ता. ६ डिसेंबरचें नवें पत्रच आम्ही मानीत नाहीं." असा कबुलीजबाब जाहीर करूं लावण्याला डॉ. जयकर यांचे वाक्प्रहार कारणीभूत झाले.

डॉ. जयकर यांच्या उपसूचनेचा आशय असा होता. " हिंदुस्थानच्या भावि कारभारासाठीं करावयाची घटना स्वतंत्र, लोकमतानुवर्ती व सार्वभौम राष्ट्रासारखी असावी; परंतु मु. लीग व संस्थानें यांचें अशा घटनानिर्मितींत सहकार्य मिळविण्यासाठीं ही समिति घटनानिर्मितीसंबंधींचा विचार पुढें ढकलते आहे." डॉ. जयकरांची उपसूचना धरून एकंदर चाळीस उपसूचना पं. नेहरूंच्या ठरावावर मांडण्यांत आल्या होत्या. याखेरीज श्री. सोमनाथ लाहिरी यांचा एक प्रतिठरावही मांडण्यांत आला होता. पण तो ठराव अध्यक्षांनीं नियमबाह्य ठरवला. श्री. लाहिरी हे कम्युनिस्ट पक्षाचे आहेत. त्यांच्या ठरावाच्या मार्गांत त्यांचा हा पक्षच आड आला असावा. एरवीं त्यांचा ठराव मुळांतच उखडून टाकण्याला अध्यक्षांना दुसरें कोणतें कारण झालें असावें, तें कळत नाहीं. बऱ्याचशा उपसूचना काँग्रेसपक्षीयांनीं दिलेल्या होत्या. पण उपसूचना न मांडण्याचा त्या गटाचा निर्णय ठरल्यामुळें सोमवारीं उपसूचना मागें घेतल्या गेल्या व डॉ. जयकरांचीच एक उपसूचना चर्चेसाठीं आली.

कायद्याची मर्यादा

या समितीचें कार्य फुकट गेलें असें होऊं नये म्हणूनच आपण हा तहकुबीचा ठराव मांडीत आहें, असा प्रस्ताव करून डॉ. जयकर यांनीं घटनासमितीच्या या प्राथमिक अवस्थेंत मूलतत्त्वांची घोषणा करण्याचा विचार करतांच येण्यासारखा नाहीं, असा आपला अभिप्राय व्यक्त केला. नेहरूंच्या ठरावांतील लोकसत्तेचा उल्लेख संयुक्त संघ, विद्यमान चतुःसीमा शेष अधिकार सामान्य जनता हेंच सत्तेचें उगमस्थान अल्पसंख्याकांचा हक्क वगैरे बाबीवरून हेंच दिसून येतें कीं, या बाबी मूलभूत बाबी आहेत; परंतु त्रिमंत्री शिष्टमंडळाच्या पत्रकानुसार घटनासमितीला अशा मूलभूत बाबी या घटकेला ठरविण्याचा अधिकारच पोहोंचत नाहीं. संस्थानें व मु. लीग हजर असेल तेव्हांच या बाबी ठरवितां येतील. डॉ. जयकर यांनीं या पुढे एक महत्त्वाच्या मुद्द्याचा खुलासा केला. अर्थात् तो काँग्रेसला अप्रिय वाटणें स्वाभाविक आहे. प्रस्तुत घटनासमिति स्वयंसत्ताक (Sovereign) आहे, असा काँग्रेसचा दावा आहे. तात्त्विक दृष्ट्या तो चुकीचा ठरेल असें म्हणतां येणार नाहीं; परंतु कायदेशीर दृष्ट्या ? कायदेपंडित डॉ. जयकर यांचें म्हणणें असें आहे कीं, " ही सभा स्वयंसत्ताक आहे यांत वाद नाहीं. परंतु ज्या पत्रकाद्वारें ही सभा अस्तित्वांत आली त्या पत्रकाच्या मर्यादा स्वयंसत्ताकत्वाला बंधनकारक आहेत. "

'गैर-घातक-धोक्याचें !'

समितीच्या अधिवेशनांत संस्थानें व मुस्लिम लीग गैरहजर आहेत, या वस्तुस्थितीचा उल्लेख करतांना डॉ. जयकर यांनीं ब्रिटिश सरकारच्या ता. ६ च्या नव्या पत्रकाद्वारा मु. लीगला एक नवा हक्क मिळाला आहे व त्यामुळें सर्वच जुनी परिस्थिति बदलली आहे, हें कायद्याच्या दृष्टीनें विशद करून सांगितलें. पण कायद्याच्या आणि परिस्थितीच्या बंधनासंबंधींची डॉ. जयकरांनीं करून दिलेली जाणीव काँग्रेस विशेषतः श्री. वल्लभभाई पटेल यांना रुचली नाहीं. ' डॉ. जयकर ब्रिटिश सरकारच्या धोरणाचें येथें समर्थन करीत आहेत काय ? असा जयकरांचा पाणउतारा करणारा कुत्सित प्रश्न विचारून श्री. वल्लभभाई यांनीं "ब्रिटिश सरकारचें नवें पत्रक आम्ही मान्य केलेलें नाहीं. "' असा जबाब दिला. आपण ज्यांच्या भाषणांत अडथळे आणीत आहों, तो आपल्यासारखा करमसदच्या कोर्टांत वकिली करणारा एखादा दुय्यम बॅरिस्टर असावा, अशा कुत्सित श्री. वल्लभभाई बोलले तरी डॉ. जयकरांच्या बिनतोड जबाबामुळें मुग गिळून बसावें लागलेंच. डॉ. जयकर यांनीं मु. लीग व संस्थानें यांच्या गैरहजिरींत पास झालेला ठराव त्यांच्यावर बंधनकारक नाहीं असें अनेक दाखले देऊन सांगितलें व अशा हटवादी धोरणापायीं कदाचित् हिंदुस्थानच्या संघराज्याची योजना मागें घेतली जाईल व हिंदुस्थानचें हिंदुस्थान, पाकिस्तान व राजस्तान असे तीन-तेरा भाग होतील असा गंभीर इषारा दिला. समिति ता. २० जानेवारीपर्यंत एवींतेवीं तहकूब होणारच आहे, तेव्हां या ठरावाची इतक्यांत घाई नको, या मध्यंतरींच्या काळांत मु. लीग कोणतें धोरण स्वीकारते तें दिसून येईलच; तोंपर्यंत थांबल्यानें कांहीं आकाश कोसळणार नाहीं, असें डॉ. जयकर यांनीं आर्जवून सांगितलें. आणि शपथ घालावी त्याप्रमाणें त्यांनीं पूर्वबंगालच्या विजनवासांत गांधींनीं भूकतहान-झोंप विसरून मुसलमानांना आपलेसें करण्याची जी तपस्या चालविली आहे, त्याचीही काँग्रेस-सभासदांना आठवण करून दिली. पण इतकेंही करून काँग्रेसवाल्यांवर कांहीं प्रकाश पडला नाहीं, असें पाहतांच डॉ. जयकर ठांसून म्हणाले, नेहरूंचा ठराव तुम्ही या वेळीं पास केलात तर तें एक 'गैर, बेकायदेशीर, अप्रासंगिक, घातक व भयंकर कृत्य होईल व त्यामुळें नवीं संकटें तुम्ही आपल्यावर ओढवून घ्याल." डॉ. जयकर यांचे हे समारोपाचे शब्द काँग्रेस सभासदांना झोंबले व मागून बोललेल्या वक्त्यांनीं डॉ. जयकरांना विरोध करण्याचा अट्टाहास केला. पण डॉ. जयकरांचें भाषण संपतांच सभेनें टाळ्यांचा कडकडाट करून त्यांचें जें स्वागत केलें तें त्यांच्या विजयाचेंच निदर्शक होतें. मुद्द्याच्या अभावीं हे सारे प्रयत्न बालिश ठरले. बिहारचे मुख्य प्रधान श्री. श्रीकृष्ण सिंहा यांनीं डॉ. जयकरांनीं भाषण करण्याची जरूरी नव्हती असें एक क्षुद्र विधान केलें आणि आपल्या तोंडचे ते शब्द हवेंत विरले न विरले तोंच, आपण व्हाइसरॉयना काय सांगितलें, चर्चिल किती मूर्ख आहेत वगैरे पाल्हाळाचें एक भाषण त्यांनीं श्रोत्यांच्या श्रवणेंद्रियावर हाणलेंच !

मंगळवार ता. १७

आजचा हा मंगळवार घटनासमितीच्या इतिहासांत महत्त्वाचा गणला जावा अशी एक घटना आज अधिवेशनांत घडून आली. घटनासमितींत आज डॉ. आंबेडकर तळपले-अनपेक्षित अशा भूमिकेनें तळपले आणि काँग्रेसवाल्यांना अप्रिय पथ्यकर अशा चार गोष्टी ऐकवून त्यांनीं काँग्रेसवाल्यांकडून नांखुषीनें कां होईना पण टाळ्या घेतल्या. काल ज्या उपसूचनेबद्दल कांहीं वल्लभ-निष्ठ काँग्रेस प्रतिनिधी डॉ. जयकरांवर रागानें जळफळले, ती तहकुबीची उपसूचना आज दुसऱ्या एका महाराष्ट्रीयानें विद्वत्तापूर्ण अशा मुद्देसूद आणि शर्करायुक्त पण कठोर वक्तव्यानें काँग्रेसवाल्यांच्या गळ्यांत उतरविली. नेहरूंच्या ठरावाचा विचार पुढें ढकलण्याचा धोरणीपणा काँग्रेसला आठवतो कीं काय हें लवकर दिसेलच. पण तसा धोरणीपणा काँग्रेसला आठवलाच तर त्यांचें सारें श्रेय महाराष्ट्राच्या या दोन थोर श्रेष्ठ मुत्सद्द्यांनाच-डॉ. जयकर व डॉ. आंबेडकर यांचा मुत्सद्दीपणा, त्यांचें कायदेपांडित्य, गाढ विद्वत्ता व तेजस्वी वक्तृत्व यांनाच द्यावें लागेल. काल डॉ. जयकर व आज डॉ. आंबेडकर यांना, प्रतिकूल आणि हटवादी श्रोत्यांना शहाणपणाचा मार्ग दाखवून देतांना ज्यांनीं पाहिलें त्यांना 'महाराष्ट्राचें राजकारण बुद्धिप्रधान आहे ' असें कां म्हटलें जातें त्याचा उलगडा झाला.

शेलके अहेर

युक्तिवाद आणि आर्जव-डॉ. आंबेडकरांच्या बाबतींत हा प्रकार अगदीच अनपेक्षित-या दोन वैशिष्ट्यांवर भर देऊन डॉ. आंबेडकर यांनीं नेहरूंचा ठराव पुढें ढकलण्याचें औचित्य सभेला पटवून दिलें. काँग्रेस व डॉ. आंबेडकर यांच्यामधील अहिनकुलवत् सख्य लक्षांत घेतां डॉ. आंबेडकरांच्या दर्शनानें काँग्रेसवाले बुजून जावयाला हवे होते: पण त्यांच्या भरदार व तर्कशुद्ध वक्तृत्वाची काँग्रेसवाल्यांवर सुरुवातीला अशी छाप पडली कीं, त्यांना विरोध करण्याचा कोणाला धीरच झाला नाहीं. डॉ. जयकर यांच्या वक्तव्यांत भाषासौष्ठव व कायदेपांडित्य परिपूर्ण भरलें होतें. आवाजाचा चढउतार आणि हस्तविक्षेप हीं वैशिष्ट्यें डॉ. जयकरांच्या कालच्या भाषणांत प्रत्ययाला आलीं होतीं. डॉ. आंबेडकरांचा खाक्या निराळा होता. भावनाविवशता अथवा शब्दलालित्य यांची जोड देण्याच्या भरीला न पडतां ते संथपणें एकटाकी भाषण करीत गेले आणि तेंही असें कीं, एक घाव आणि दोन तुकडे ! काँग्रेसला त्यांनीं शहाणपणाचें महत्त्व पटवून दिलें; पण तें अडून छपून नव्हे, तर 'हातीं सत्ता असणें वेगळें आणि त्या सत्तेचा शहाणपणा व दूरदर्शीपणा राखून उपयोग करणें वेगळें,' असे शेलके अहेर देऊनच. त्यांन काँग्रेसला घेतलेला दुसरा एक चिमटाही असाच खडबडीत आणि बोंचक होता. काँग्रेसनें मु. लीगचें मन वळविण्यासाठीं फिरून एकवार प्रयत्न करावा असें सांगतांना डॉ. आंबेडकर म्हणाले 'जनतेच्या भवितव्याची घडण करतांना नेते अथवा माणसें किंवा पक्ष यांच्या प्रतिष्ठेची मिजास मानली जातां नये. ' पण अशा स्पष्टवक्तेपणाखेरीज डॉ. आंबेडकरांच्या भाषणाला जें एक निराळें महत्त्व प्राप्त झालें आहे तें त्यांनीं घेतलेल्या एका उच्च तात्त्विक व राजकीय भूमिकेपायींच होय. डॉ. आंबेडकर अखंड हिंदुस्थानचे उपासक आहेत. इतकेंच काय पण ते, 'हिंदुस्थानांतील आजचा जातपोटजातींचा अठरा पगड्यांचा बुजबुजाट नष्ट होऊन हा देश एकसंध व एकजिनसी अशा जनतेचें लवकरच महान राष्ट्र बनेल' अशा आशावादाचे खंबीर पुरस्कर्ते आहेत.

चर्चिलला टोला

मंगळवारीं समितींत पं. नेहरूंचा ठराव व त्यावरील डॉ. जयकर यांची उपसूचना यांवर अनुक्रमें बॅ. एम्. आर्. मसानी, मि फ्रँक अँथनी डॉ. शामप्रसाद मुकर्जी, डॉ. आंबेडकर, सरदार उज्वल सिंग व सेठ गोविंददास, यांचीं भाषणें झालीं. आज समितींत युनायटेड नेशन्स ऑर्गनायझेशनच्या अधिवेशनांत ज. स्मटस् यांच्या विरुद्ध आफ्रिकेतील हिंदी जनतेची फिर्याद यशस्वीपणें लढवून आलेल्या श्रीमती विजयालक्ष्मी पंडित प्रथमच उपस्थित होत्या. अध्यक्ष डॉ. राजेंद्रप्रसाद यांनीं त्यांचें यथोचित स्वागत केलें,

डॉ आंबेडकर

या स्वागतांत डॉ. सत्येंद्रप्रसन्न सिन्हांनीं सौ. सरोजिनी नायडू यांच्या बाबतींत दाखविला तसा हिरवटपणा कोठेंच प्रत्ययाला आला नाहीं आणि त्यामुळें स्वागताला थिल्लरपणाचें गालबोट लागलें नाहीं हें सुदैव म्हणायचें. श्री. मसानी यांनीं आपण प्रथम हिंदी व अखेरही हिंदी अशा राष्ट्रीय बाण्याचा 'डेमॉक्रॅटिक सोशालिस्ट' आहें असें म्हणून भाषण करून पं. नेहरूंच्या ठरावाला पाठिंबा दिला. अर्थात् श्री. मसानी यांची ही कोलांटी उडी पाहून बऱ्याच लोकांना आश्चर्याचाच धक्का बसला. कारण डॉ. जयकर यांची उपसूचना पास व्हावी व पं. नेहरूंचा ठराव पुढें ढकलला जावा असें मिनू मसानी यांस आग्रहानें प्रतिपादन करतांना कांहीं लोकांनीं ऐकलें होतें असें म्हणतात.

मि. अँथनी यांनीं थोडक्यांत पं. नेहरूंच्या ठरावाचें महत्त्व सांगितलें आणि तसेंच डॉ. जयकर यांच्या तहकुबीच्या उपसूचनेचें औचित्यही समर्पक रीतीनें विशद करून सांगितलें. डॉ. शामप्रसाद मुकर्जी यांचा आवेश त्यांच्या प्रत्येक वाक्यांतून ओसंडत होता. त्यांनीं उपसूचनेला विरोध करतांना 'ठराव ता. २० जानेवारीपर्यंत पुढें ढकलला तरी मुसलमान घटनासमितींत येतील म्हणून खात्री कोणती ?' असा सवाल केला. मुसलमानांच्या अभावीं घटनासमिती ही वधूविना चाललेला लग्नसोहळा आहे, हा मि. चर्चिल यांचा उखाणा डॉ. मुकर्जी यांनीं सफाईनें उलटविला. ते उद्गारले, "या लग्नसमारंभांत वधू तरी किती म्हणून एक मुस्लिम लीग, दुसरी संस्थानें. आणि लीग ही जर एक वधू असेल, तर तिला 'लग्नमंडपांत ये,' असें म्हणण्याचें सोडून चर्चिल तिला फोडूं पाहत आहेत. तेव्हां ते फूसलावे बदफैली जारच ठरत नाहींत काय ?"

डॉ. आंबेडकर

आज अध्यक्ष डॉ. राजेंद्रप्रसाद डॉ. आंबेडकरांना भाषणासाठीं पाचारण करतील अशी मुळींच अपेक्षा नव्हती; तेव्हां अध्यक्षांनीं जेव्हां त्यांचें नांव पुकारलें तेव्हां इतरांपेक्षां डॉ. आंबेडकर यांनाच अधिक आश्चर्य वाटलेलें दिसलें. डॉ. आंबेडकर बोलणार या अपेक्षेनें सभेंत एक प्रकारचें कुतूहलाचें वातावरण निर्माण झालें. डॉ. आंबेडकरांची हुर्रेवडी करण्याचीं आतां संधि मिळणार या आशेनें कांहीं पांढऱ्या टोप्या फुरफुरल्याही ! पण—डॉ. आंबेडकर आपल्या नेहमींच्या

(पृष्ठ १४ पहा)

यीस्ट-वाइटची प्रशंसा करावी तेवढी थोडीच आहे!

प्रिय महाशय,—मज्जातंतूंच्या दुर्बलतेमुळें तीन आठवडे मी कामावर जाऊं शकलो नाहीं. अशा स्थितीत एका मित्रानें यीस्ट-वाइट घेण्याविषयी मला सल्ला दिला. एक बाटली सेवन करताच मला पूर्ववत् आरोग्य प्राप्त होऊन पूर्णपणें आराम वाटला. मी यीस्ट-वाइटची प्रशंसा करावी तेवढी थोडीच आहे.

(सही) डी. म. डब्ल्यू.

दररोजच्या सर्वसाधारण विकारांवर विद्युत्गतीनें दुःख नाहींसें करणारें व निश्चितपणें आरोग्य कायम टिकविणारें टॉनिक म्हणून यीस्ट-वाइटची सर्वत्र ख्याति आहे.

मज्जातंतूंची दुर्बळता, अग्निमांद्य, संधिवात अगर बद्धकोष्ठ यांपैकीं कोणत्याही विकारानें तुम्ही त्रस्त झालां असाल तर यीस्ट-वाइट घेतांच तुम्हांला त्वरित आराम वाटेल. जवळच्या स्टोअरमधून एक बाटली आणा व आजच अनुभव घ्या.

"यीस्ट-वाइट" हे शब्द इर्विंग्ज यीस्ट-वाइट लि., वॅटफर्ड, इंग्लंड यांचा रजिस्टर्ड ट्रेडमार्क आहेत.

इर्विंग्ज
यीस्ट-वाइट

घटना समितीचा गाडा अडला?

पद्धतीप्रमाणें धीमेपणानें उठून उभे राहिले आणि वनराजानें गुहेबाहेर येऊन चौफेर नजर फिरवावी तशी त्यांनीं सभोंवार दृष्टि टाकली. झालें. 'He rose, he saw and he conquered.' त्यांच्या व्यक्तिमत्वाची सुरुवातीलाच अशी छाप पडली कीं, शत्रूनींही माना डोलवल्या आणि टाळ्या वाजवून त्यांनीं आपल्या प्रतिस्पर्ध्याचें स्वागत केलें. डॉ. आंबेडकर यांचा प्रत्येक शब्द श्रोते लक्षपूर्वक ऐकत होते. आणि त्यांच्या तोंडून येणाऱ्या नव्या नव्या विचारागणिक, देशद्रोही म्हणून आपण ज्यांचा अपमान केला तो हाच देशभक्त काय, असें ते स्वतःला विचारीत होते.

असह्य कळांमुळें तिला बिछान्यांत पडून राहावें लागलें होतें

पण क्रुशननें लगेच आराम वाटला.

"सुमारें चार महिने माझ्या पाठीमध्यें तीव्र कळा येत असत व त्यामुळें बिछान्यांतही या कुशीवरचें त्या कुशीवर होतां येत नसे. त्या अवधींत मीं अनेक निरनिराळे उपाय करून पाहिले; पण त्या कशानेंही आराम वाटला नाहीं आणि अखेर आतां इस्पितळांत जावें अशा विचारांत मी होतें. एवढ्यांत त्याच सुमारास क्रुशनच्या एका जाहिरातींत माझ्याचसारख्या एका रोगग्रस्ताला आराम वाटल्याचें वर्णन वाचलें; व हा उपाय करून पाहावा असें माझ्या मनानें घेतलें. आणि नवलाची गोष्ट अशी कीं हा उपाय सुरू करतांच माझ्या कळा कमी होऊं लागल्याचें मला आढळून आलें. गेले चार महिने मीं क्रुशन घेत आहें आणि त्याला मीं आतां यापुढें कधींच विसरणार नाहीं."

—मिसेस बी. सी.

पाठींतल्या कळांपासून तुम्हाला त्वरित आराम पडावा अशी इच्छा असल्यास क्रुशनचे सहा महत्त्वाचे क्षार तुमच्या रक्तांत भिनूं द्या. यांतील तत्त्व असें:—क्रुशन साल्टसनीं तुमच्या मूत्रपिंडाचें कार्य निसर्गानें योजलेल्या प्रकारें सुरू होतें. तुमच्या देहांत सांचलेलीं विषद्रव्यें तात्काळ बाहेर फेकलीं जातात. आणि हीं विषद्रव्यें जातांच तुमच्या कळा आणि वेदनाही नाहींशा होतात! आणि यानंतर 'रोजचा छोटा डोज' घेण्याचा क्रम तुम्ही चालू ठेवल्यास या वेदना पुन्हा तुम्हांला कधीं त्रासही देणार नाहींत. **क्रुशन साल्टस** पाण्यांतून अथवा चहांतून घेतां येतें.

पाकिस्तानला विरोध

डॉ. आंबेडकरांनीं प्रदर्शित केलेल्या विचारांचा आशय असा:

"पं. नेहरूंच्या ठरावाचा पूर्व भाग वादग्रस्त आहे व उत्तर भाग निर्विवाद स्वरूपाचा आहे. पण उत्तर भागांत पांडित्य फार आहे; त्यांत मूलभूत हक्काची नोंद आहे; पण तें संपादन करण्याच्या मार्गाचा उल्लेख नाहीं. उद्योगधंदे व जमीन राष्ट्राच्या मालकीची करण्याचा घटनेंत स्पष्ट उल्लेख हवा. आज आम्ही विरोधी अशा सामाजिक, राजकीय व आर्थिक क्षेत्रांत विभागले गेलों असलों, तरी योग्य कालावधि व परिस्थिति निर्माण होतांच हा देश एकात्म असें अखंड राष्ट्र होईल; आणि आज आमच्यांत कितीही जाति आणि पंथ असले तरी आम्हीं सारे एक एकजिनसी समाज होऊं; जगांतील कोणतीच बाब आमचा रोध करूं शकणार नाहीं, याची मला पक्की खात्री आहे. (टाळ्या) मुस्लिम लीग आज फाळणीची मागणी करीत असली, तरी अखंड हिंदुस्थान आपल्या हिताचें आहे, अशी त्यांनाही केव्हां ना केव्हां बुद्धि सुचणारच. (टाळ्या) घटनासमितींत सर्व पक्षांचें सहकार्य लाभावें म्हणून कांहीं दुराराध्य विरोधकांच्या दुराग्राहाला मान तुकवणें, हें बहुसंख्याक पक्षाच्या मुत्सद्देगिरीचें लक्षण ठरलें असतें. या दृष्टीनेंच मी डा. जयकर यांच्या उपसूचनेला पाठिंबा देत आहें. या सभेनें घेतलेली भूमिका कायदेशीर आहे का नाहीं, हा आतां काथ्याकूट नको. कारण आपण जे काय घडवीत आहों तें इतकें थोर आहे कीं, कायदा त्यापुढें क्षुद्र ठरतो. आपण इतर बाबी बाजूला ठेवा आणि ज कोणी बाहेर आहेत त्यांना येथें आणण्याची शिकस्त करा. मला स्वतःला गट पसंत नाहींत (टाळ्या) मला खंबीर असें मध्यवर्ति सरकार १९३५ च्या कायद्यापेक्षांही खंबीर अहे. पण कोणत्या तरी कारणास्तव या खंबीर अशा मध्यवर्ती सरकारची खच्ची करण्याला काँग्रेसनेंच संमति दिली युद्ध करून आपसांतील मतभेद मिटणार नाहींत. बर्क म्हणतो त्याप्रमाणें 'सत्ता देणें सोपें, पण शहाणपणा देणें कठीण आहे.' देशांतील सर्व पक्ष आमच्याबरोबर येतील असे आम्हीं वागूं या व आमच्यापाशीं सत्ताच नव्हे, तर शहाणपणा आहे, हें जगाला दाखवूंया (टाळ्या)

नवा दृष्टिकोण

बुधवारीं पं. कुंझरू, आसामचे मंत्री रे. निकोल्स रॉय, सर गोपालस्वामी अय्यंगार, श्री. सिध्वा प्रभृतींचीं भाषणें झालीं. पं. कुंझरूंनीं डॉ. जयकर यांची उपसूचना उचलून धरली व सर गोपाळस्वामी यांनीं मूळ ठरावाला मान्यता दिली. आसाम बंगालचें वर्चस्व सहन करणार नाहीं, असें जाहीर करून र. निकोल्स रॉय यांनीं आसामचा गटपद्धतीला असलेला विरोध जाहीर केला. सर गोपाळस्वामी यांच्या भाषणांतील एकच मुद्दा महत्त्वाचा होता. तो असा कीं, गटवारीच्या बाबतींत फेडरल कोर्टाचा निर्णय विचारण्याऐवजी 'सेक्शनम'ध्यें व्यक्तिशः मतनोंदणी व्हावी कीं प्रांतनिहाय मतनोंदणी व्हावी याबाबत निर्णय विचारण्यांत यावा, असा त्यांनीं प्राप्त पेंचप्रसंगावर उपाय सुचविला सर गोपालस्वामी यांनीं दाखविलेला मार्ग काँग्रेसला फेडरल कोर्टाकडून अनुकूल निर्णय मिळविण्याच्या कामीं उपयोगी पडणारा आहे. परंतु या उपायानें मु. लीगचा फाळणीचा हटवाद आणि ब्रिटिश सरकारचा त्यांना असलेला पाठिंबा यांवर तो कसा काय उपाय ठरतो हा प्रश्नच आहे.

जयकर-आंबेडकरांचा विजय

डॉ. जयकर-आंबेडकर यांच्या भाषणांमुळें, पं. नेहरूंचा ठराव पुढें ढकलावा असे अस्फुट अभिप्राय समितींत मंगळवारीं व्यक्त होऊं लागले होते. ते बुधवार-गुरुवारीं बऱ्याच मोठ्यानें ऐकूं येऊं लागले आणि ही प्रतिक्रिया लक्षांत घेऊन काँग्रेसश्रेष्ठींनीं डॉ. जयकरांच्या उपसूचनेला मान देऊन नेहरूंचा ठराव गाजावाजा न करतां ता. २० जानेवारीपर्यंत ढकलण्याचें खासगी बैठकींत ठरवलें. नेहरूंचा ठराव पुढें ढकलला जाऊं नये अशी गांधीनीं अनाहूतपणें मंगळवारीं श्रीरामपुर येथें ठांसून शिफारस केली होती त्यामुळें काँग्रेसश्रेष्ठी ठराव पुढें ढकलण्यास तयार होणार नाहींत, अशी कांहींची अपेक्षा होती. पण ती अखेर फोल ठरून काँग्रेस श्रेष्ठींचें गांधींशीं अलीकडे कितीसें सूत जमतें हें एका अनपेक्षित मार्गानें लोकनिदर्शनाला आलें. पण त्याचबरोबर गांधींनीं आसाम व शीख अशा 'ब' व 'क' गटांतील दोघां प्रमुख घटकांना गटांत कदापि सामील न होण्याचा निर्धार करण्याचा सल्ला दिल्यामुळें घटना समितीचें गाडें मध्येंच मोडून पडतें कीं काय अशी दाट चिंता घटना समितींत पसरली आहे. गुरुवारीं समितींत निरनिराळ्या पक्षांच्या व जातींच्या प्रतिनिधींचीं भाषणें झालीं. पण वक्ते भिन्नभिन्न पक्षांचे असले तरी त्या सर्वांचा पाकिस्तानला सारखाच विरोध होता. मद्रासचे कायदेपंडित सर अल्लादी कृष्णस्वामी यांनीं संस्थाने व मुसलमान यांना संयुक्त हिंदुस्थान मान्य नसेल तर या घटना समितींत त्यांना कायदेशीर स्थानच नाहीं असें, ब्रिटिश सरकारच्या पत्रकाचें पृथक्करण करून दाखवून दिलें. आजच्या बैठकीची सुरुवात श्री. सोमनाथ लाहीरी यांच्या भाषणानें झाली. श्री. लाहीरी कम्युनिस्ट आहेत तेव्हां ते काय आणि कसे बोलले असतील आणि श्रोत्यांनीं त्यांचें स्वागत कसें केलें असेल याची कोणालाही सहज कल्पना करतां येईल. पाणी आणि गाळ भरून दुथडी वाहणाऱ्या त्यांच्या भाषणाच्या ओघाला बऱ्याच श्रोत्यांनीं बांध घातले आणि शेवटीं अध्यक्षांनाही दोनदां मध्यें पडावें लागलें. या वक्त्यांशिवाय सौ. हंसा मेहता, बंगालचें शिडयुल्ड कास्ट प्रतिनिधि श्री. ठाकूर, आदीवसींतर्फे श्री. जयपालसिंग, श्री. डी. पी. खैतान, डॉ. हरिसिंग गौर, श्रीमती दाक्षायणी वेलायुदन (हरिजन) व श्री. दांबोरसिंग गुरुंग यांचीं भाषणें झालीं श्री. गुरुंग हे गुर्खा जातीचे असून त्यांचें क्षात्रतेज त्यांच्या भाषणांतहि दिसून आलेंच. त्यांनीं पाकिस्तानला कठोर विरोध दर्शविला आणि जिन्हा यादवींचें आव्हान देत असतील, तर देशानें हें आव्हान रोखठोक स्वीकारावें अशी त्यांनीं घोषणा केली. इतकीं भाषणें झाल्यावर अधिवेशन शनिवारपर्यंत तहकूब करण्यांत आलें.

सावधगिरी

कॉलरा, आमांश सारखा साथीचा रोग हल्ली नेहमीचेच झाले असून वेळेवर उपचार न झाल्यास रोगी दगावण्याची भिती असते. अशा वेळीं जवेरियन जीवन मिक्श्चरचे थोडे थेंब पाण्यांतून घेतल्यानें वा रोगापासून बचाव होतो. कुटुंबांत नेहमीचेच असणारे कैक किरकोळ विकार—उकटी, अपचन, सर्दी, पोटदुखी दाढदुखी, लहान मुलांच्या शौचाच्या तक्रारी, जंतूदंश, सूज वगैरे-जवेरियन जीवन मिक्श्चर त्वरित बरें करतें. लाखों कुटुंबांत आज जवेरियन जीवन मिक्श्चर निदेनें वापरीत आहेत. डॉक्टरांच्या गैर-हजेरींत उपयोगी पडणारें हें औषध घरांत व प्रवासांत राखणें खात्रीने सावधगिरीचें ठरतें. केमिस्ट व वेअर्‌हाउसे यांच्याकडे मिळतें.

जवेरियन जीवन मिक्श्चर कंपनी

दांतांच्या डॉक्टरांस माहीत असतें की

'जेनोझो' दांत स्वच्छ करते -हिरड्यांचेंहि संरक्षण करते

आपले दांत बळकट असावे असें जर तु वाटत असेल, तर तुम्ही आपल्या हिरड्या रा ठेवण्याची खबरदारी घेणें आवश्यक **'जेनोझो'** टूथपेस्ट वापरून हिरड तमाम विकारांस आळा घाला. दांतांचे **'जेनोझो'**ची शिफारस करतात. याचें तींत एक प्रकारचें खास ॲक्सिन असतें व पायोरिया व इतर दंतरोगाच्या जंतूंपासून ड्यांचें खात्रीनें संरक्षण करतें.

'जेनोझो' तुमचे दांत हलकेच व प स्वच्छ करून ते चमकदार बनवितें व थंडगार व सुप्रसन्न राखतें.

'जेनोझो' दृथ पेस्ट

"जेनोझो माऊथ वॉश टॅबलेटस् घ्या प्रवासास निघूं नका!"

Colgate-Genozo Ltd.

भरंशी मिळूं शकतें

बेमालुम नकलसुध्दां

• **पलकरू नका. प्रत्येक वडीवर 'अॅस्प्रो' असा शब्द असल्याचें पहा.**

'अॅस्प्रो' नें ताप व वेदना १० मिनिटांत थांबतात. त्यानें हृदयास अथवा कोठ्यास इजा पोंचत नाहीं.

'अॅस्प्रो' च्या नियंत्रित किंमती ३ डब्यांच्या पुका पाकिटास १ आणा ३० डबयांच्या पुका पाकिटास १० आणे.

वितरकः
ए. एफ. मॉरिसन, सन ॲन्ड कं. (इंडिया), लिमिटेड, पोस्ट बॉक्स २५८, मुंबई (टेलिफोन ३०९५८) यांचे मार्फत

ऑस्प्रो

सर्वत्र विकले जाते

प्रती फारच थोडया शिलक आहेत.

त्वरित मागणी करा.

नवीन वर्षाचीं

आमचीं

—कॅलेंडरें—

... पांढरा शुभ्र कागद—ठळक आंकडे ...

किंमत आठ आणे. ट. ख. माफ.

—न वी न कि ता व खा ना—

बुधवार चौक : पुणे.....गिरगांव : मुंबई.

साप्ताहिक
राष्ट्रसागर
संपादक- व्यं. न. कुलकर्णी.

वर्ष ७७ वें) कोल्हापूर शनि. ता.२१।१२।४६ (अंक १९ वा

राष्ट्रीय घडामोडी

पं. नेहरूंचा ठराव

डॉ. जयकरांच्या उपसूचनेवर चर्चा

" ब्रिटिश सरकारची सहा डिसेंबरची घोषणा आम्ही मान्य केलेली नाहीं," असें सरदार वल्लभभाअी पटेल यांनीं ता. १६ रोजीं घटनासमितीचे बैठकींत जाहीर केलें. पंडित नेहरूंच्या ठरावावरील मतदान पुढें ढकलण्यांत यावें, अशी विनंति ढॉ. अेम्. आर. जयकर यांनीं आपल्या भाषणांत केली. लीग प्रतिनिधी गैरहजर असतां बनविण्यांत आलेली घटना त्यांचेवर लादतां येणार नाहीं, ही सवलत लीगने नुकतीच मिळविली आहे. म्हणून ठरावावरील निर्णय पुढें ढकलून लीगला अधिक अवधि द्यावा, अशी गृहाला माझी विनंति आहे, असें डॉ. जयकरांनी सांगितलें. तेव्हां सरदार पटेलांनीं मध्येच विचारलें, " डॉ. जयकर ब्रिटिश सरकारच्या घोरणाचा अर्थ लावीत आहेत काय ? ज्या सवलतीचा ते अुल्लेख करीत आहेत त्या सर्व शुभ्रपत्रिकेंतील घोषणेपेक्षां जादा आहेत. आम्ही त्या मान्य केलेल्या नाहींत आणि कोणतीही जादा सवलत हें गृह स्वीकारणार नाहीं. "

डॉ. जयकरांची उपसूचना

स्वतंत्र व लोकशाही, सार्वभौम हिंदुस्थानसाठीं घटना तयार करण्याचा गृहाचा निश्चय आहे, पण या कामीं लीगचें व संस्थानांचें सहकार्य मिळविण्यासाठीं त्यांना या प्रश्नाचे चर्चेंत भाग घेतां यावा याकरतां हें सभागृह आपला निर्णय पुढें ढकलीत आहे, अशा आशयाची अुपसूचना डॉ. जयकरांनी आज घटनासमितींत पं. नेहरूंचे ठरावावर मांडली. अेक-दोन अडचणीकडे दुर्लक्ष केल्यानें गृहाचें काम निष्फल होऊं नये, अशा अुद्देशानें आपण ही अुपसूचना मांडींत असल्याचें त्यांनीं सांगितलें.

" घटनासमिती सार्वभौम आहे यांत शंका नाहीं, पण त्रिमंत्रि योजनेचे मर्यादेत ती सार्वभौम आहे. अेकमताशिवाय आपण त्या मर्यादेबाहेर जाऊं शकत नाहीं आणि

डॉ. जयकर

लीग व संस्थानांचे प्रतिनिधी हजर नसतां अेकमताचा विचार कसा करतां येअील ? या मर्यादांकडे दुर्लक्ष करून घटनासमितीचे द्वारें राजकीय सत्ता मिळविण्याचा व क्रांति करण्याचा कांहीं लोकांचा विचार असेल तर तें या योजनेबाहेर आहे. काँग्रेसनें योजना संपूर्णपणें स्वीकारली असल्यानें या मर्यादा त्यांचेवर बंधनकारक आहेत.

लीग व संस्थानी प्रतिनिधींचे गैरहजेरींत हा ठराव तुम्ही पास केलांत तर तो लीगवर बंधनकारक नाहीं. मग श्रम वाचविण्यासाठीं तरी हा ठराव पुढें ढकलणें योग्य होअील. शिवाय मुसलमान व संस्थानांशी संबंधित असे मुद्दे ठरावांत आहेत. लीग आंत येत नाहीं, संस्थानी प्रतिनिधी येत असलेल्या घटनासमितीशी कांहीं संबंध ठेवणार नाहींत असें कॉमन्समधील चर्चेंत स्पष्टपणें सांगण्यांत आलें आहे.

सरदार पटेल, डॉ. जयकर कांहीं संस्थानांचे प्रतिनिधी नाहींत आणि लीग हजर नसेल तर आम्हीही हजर राहाणार नाहीं, असें कोणीहि संस्थानी प्रतिनिधीनें अजून म्हटलेलें नाहीं.

डॉ. जयकर--मी संस्थानांचा प्रतिनिधी म्हणून बोलत नसून, कॉमन्समध्यें जें सांगितलें तेंच सांगत आहे आणि तें मी कां करूं नये ?

डॉ. श्यामप्रसाद मुकर्जी आपल्या भाषणांत नेहरूंच्या ठरावास पाठिंबा देतांना म्हणाले कीं, सरदार पटेलांनीं १६ मे च्या योजनेपलीकडे आम्ही कांहींही मान्य करावयास तयार नाहीं ही जी घोषणा केली आहे तिचें मी सहर्ष स्वागत करतों. ही घोषणा महत्वाची नि मूलभूत आहे.

मुस्लीम लीग येवो अथवा न येवो, आमच्या घटना समितीचें कार्य चालूं राहाणारच. अेखादा घटक अथवा गट

घटना समितींत आला नाहीं म्हणून अितरांनीं गुलाम राहावयाचें काय ? डॉ. जयकरांनीं मग खरें असें कळवावयास हवें होतें कीं, लीग भाग घेणार नाहीं. काँग्रेसनें आपलाच मुद्दा व अर्थ बरोबर आहे असें आपलें म्हणणें कायम ठेवलें तर पेंचप्रसंग नक्कीच निर्माण होअील. चालूं घडामोडी बघतां हिंदुस्थानला केवळ घटनामार्गानें स्वातंत्र्य मिळेल असें वाटत नाहीं. पण आपण घटना संमत करून सर्व जगास हें दाखवूं कीं, आम्ही अल्पसंख्यांकांस न्यायानें व समतेनें वागवीत आहोंत.

December 24, 1946.

My dear Har Bilasji,

It was a pleasure to get your letter of the 19th, after so many years, recalling all the pleasant days when we worked together as members of the Central Legislative Assembly. A good deal of water has run under the bridge since then, but I have not forgotten the friendliness and cordiality which existed between us at that time. You have since then become a very reputed author and I thank you for sending me your last compilation on Dayanand Saraswati. It indicates that, notwithstanding the advancing years, you are as full of energy as you were in younger days and it is a great lesson to all of us not to slacken our activities on account of age. I do hope that you are in good health.

I appreciate your comments about my amendment. I had to do it in spite of all opposition, because I was convinced that that was the best contribution I could make towards the success of the Constituent Assembly's work. I am glad that you appreciated my effort. I do not know whether you come to Bombay now. If so, please look me up. It will always be a pleasure to meet you.

Yours sincerely

H P J

Rai Bahadur Har Bilas Sarda,
Har Nivas,
Civil Lines,
Ajmer.

HAR BILAS SARDA.

HAR NIWAS, CIVIL LINES,

Ajmer, 19th December, 46

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My dear Dr. Jayakar,

Several years have passed since I had the pleasure of meeting or writing to you. I have not been to Bombay for a very long time. I have not forgotten, however, the days, when being my next door neighbour in New Delhi you used to drop in the mornings before going to the Assembly. Happy memories of things past. Captain V.N. Misra I.A., of Bombay, told me the other day that you had not forgotten me. And I have read with great pleasure your speech in the Constituent Assembly asking the Assembly to postpone consideration of the Resolution moved by Mr. Jawaharlal Nehru. I congratulate you on it. I am sorry the Congress is not taking a statemanlike view of the situation. If the Congress High Command had not defiantly declared that their immediate aim is to establish an independent republic in India, perhaps the London Conference would not have taken place, and Government would not have aligned itself with the Muslim League. A simple declaration that they will frame a democratic constitution for free India would have served the purpose without incurring Government hostility. Statesmanship

demanded that nothing need have been said or done at Meérut or in New Delhi which would in ordinary course set the Labour Government against the Interim Government or the work of the Constituent Assembly. I am surprised that the Congress ignores the hard realities of the situation and takes for granted that it can overcome all opposition coming from the combined front of the Muslim and the British Government with their immence resources and power. Why throw into the face of the Labour Government which has done so much and is prepared to do all that is necessary for the freedom of India and desires only a friendly and not a hostile India, the defiance that India will have nothing to do with the British?

Want of statesmanship at this critical juncture is running the country's cause. The question put by the queen and her regret at the answer given by Mr Nehru at the king's luncheon in London shows how unwise the leaders of the Congress are.

I send you a small book on Dayanand Saraswati and hope you will find it not uninteresting reading when you get time to do so.

With esteem and regards,

Yours sincerely,

Har Bilas Sarda

Const. Assembly.

Bombay,
December 24, 1946.

Dear Lord Sinha,

It was indeed very kind of you to send me your letter of the 18th, which reached me on my return to Bombay. In the midst of adverse criticism of my amendment from many quarters, your letter of encouragement and appreciation is welcome. I learnt from Dr. Banaji yesterday that you had undergone an operation and I do hope that it will have beneficial results.

I used to see you with your family in the luncheon room of the House of Lords, but thought it improper to obtrude on your attention, as you were in the midst of your family having a quiet meal. I may again be there sometime next year and will be happy to meet you if you happen to be in London at the same time.

Reciprocating your good wishes for the season and wishing you very good health, I am,

Yours sincerely

M.R.J.

Lord Sinha,
7, Lord Sinha Road,
Calcutta.

18th Dec: 1946

Taj

TAJ MAHAL HOTEL BOMBAY

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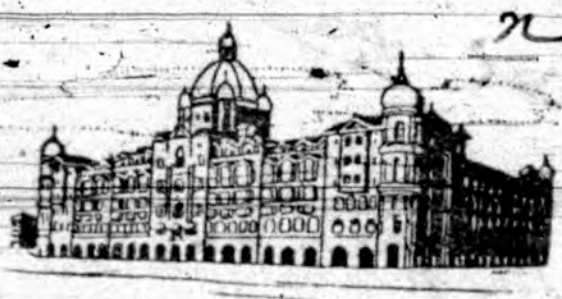
Dear Dr. Jayakar,

May I congratulate you on your courageous and statesmanlike speech at the Constituent Assembly. You have, if I may say so without impertinence, very rightly brought out a true picture of the present position at a very critical juncture when some of our great leaders appear to let the heart rule away with the head. Sentiment is very fine and necessary, but a calm, clear far-sighted vision is what the world needs and India most of all just now. I am an



optimist and still feel confident that we shall yet make good.

Sir C. Kadhavan-Nair told me before I left London that you and he often lunched at the House when we were there also. I was then handicapped with cataract and could not identify either of you or I would have come up and spoken to you. I hope we may yet meet in Calcutta if you are there at Christmas or New Year.

With compliments of the season and all good wishes.

Yours sincerely

Sir Ba.

The Rt. Hon. Dr. M. R Jayakar

December 24, 1946.

My dear Sir Narsingh Rau,

I had a pleasant journey back to Bombay and have been busy since my return. The weather is pleasant but nothing like 38° in Delhi. I am glad that, notwithstanding all the fire and brimstone hurled from many quarters at my amendment, the Constituent Assembly saw the wisdom of accepting my proposal and postponed the further consideration of the resolution till the 20th of January. I have been receiving many letters and telegrams congratulating me on my amendment and, amongst the correspondence, there is Lord Sinha, who sends me a nice letter. I wonder who is responsible for the revised step or is it a case of wisdom dawning slowly upon a hostile group? In any event, I am glad that the disaster has been averted for the present. I do hope that the A.I.C.C., convened to meet on the 5th of January, will take a wise and helpful view of things.

Many friends have asked for copies of my corrected speech proposing the amendment and may I, therefore, trouble you to send me a copy of it? I will have more copies made at my place and supply them to enquiring friends. I shall, therefore, be grateful if you will kindly give directions to your office to send me a copy of my corrected speech as soon as possible.

With kind regards,

Yours sincerely

December 26, 1946.

My dear Darbarsaheb,

I am very grateful for your kind letter of the 19th. I appreciate your sentiments. I did make an attempt, although it was unpopular at one stage, to see that the Indian States and the Muslim League went along with the Congress in achieving its goal of freedom. With that view, I moved my amendment and, although it was strongly opposed at one time, I am glad to see that my proposal has now been accepted and the resolution stands over for further discussion. I shall be glad to meet you when you are next in Bombay.

With kind regards,

Yours sincerely

MKJ

Darbar Shree Ala Khachar,
Darbarsaheb of Jasdan,
The Palace,
Jasdan (Kathiawar).

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The Palace;

Jasdan, 19th December, 1946.

Hyderabad Jagirdar,

I know you will be surprised to hear from me, but after reading what you said in the Constituent Assembly while moving the amendment to Pundit Jawaharlalji's resolution which you so rightly and characteristically described as "wrong, illegal, premature, disastrous and dangerous", I feel I must write to you and say "Thank you. I take off my hat to you Sir, for your courage and sense of justice."

The Muslims got united and demand Pakistan because they know what a raw deal they would get from Patel & Co. The Princes did not know what Pandit, Patel & Co had decided about them, and were eager to co-operate for the greater good of India as a whole but if their co-operation is not wanted and they are to be bluntly told what has been told to them by Punditji I am afraid the sanest and safest thing for the Princes is to say "Go ahead Punditji with your independent Hindustan. When you achieve independence and are in a mood to make friends with equally independent Pakistan and Rajastan we shall see what is to

done, but at present Thank you, we do not want to be dictated by you nor do we want to get mixed up with your quarells with Pakistan."

How I wish responsible people would think twice before they open their traps. It is such provocative declarations and stupid moves and attitudes that have cost Congress so much.

I wanted to be in Delhi for the Constituent Assembly's Meetings but one thing or another prevented me from doing so. It must be a very interesting gathering.

I shall be in Bombay in January-February and look forward to the pleasure of meeting you then.

With kindest regards.

Yours sincerely

Rt. Hon'ble Dr. M.R.Jayakar,
C/O, The Constituent Assembly;
New Delhi.

B'bay

December 26, 1946.

My dear Sir B.P. Sanjit Roy

I am very grateful to you for your kind letter of appreciation of the amendment I moved before a hostile house at the Constituent Assembly's session. I thought that was the only way of saving the work of the Constituent Assembly from futility and frustration. I know that I incurred thereby the displeasure of some top-ranking men in Congress Politics, but I had no other alternative and had to take the risk involved in such a step. I am glad, however, now to find that my proposal has been accepted. I am not sure whether the Muslim League will come in after all this agitation, but the postponement of the resolution to enable it to come in will at least have the effect of putting the Congress right in world opinion. You must have noticed that the reference to the Federal Court has become extremely unlikely. Here again, I am glad that the Constituent Assembly has saved itself from humiliation, which would have occurred if the Federal Court, when approached, had rejected the application.

P.T.O.

I regret that I will not be in Delhi in the first week of January, but will be most happy to meet you if you happen to be there later in the month.

Wishing you a merry Christmas and a happy New Year, I am,

Yours Sincerely
M. R. J.

The Hon'ble Sir B.P. Singh Roy,
11, Lansdowne Road,
Calcutta.

Telegram—PRESBENCIL.

15 Lansdowne Road,

CALCUTTA
19. 12. 46.

My dear Dr Jayakar,

May I offer you my sincerest congratulations on your noble endeavour to give a correct lead to the Constituent Assembly in connection with Pandit Nehru's resolution? I am sure that no one including those who supported the motion and opposed your amendment, had much doubt in their minds regarding the soundness of your proposal. On legal grounds as well as those of fairness and expediency the adoption of the resolution should be deferred. It will certainly be a good gesture to the Moslems and re-assuring to the Princes who cannot but be scared away by the declaration. As it is the difficulties are great and the proper course is to avoid them rather than to court them.

I doubt very much whether anything will be gained by referring to the Federal Court even if such reference is legally possible, the clauses of the scheme of May 16th of the Cabinet Mission on Grouping. It will only give the Moslem League additional plea for keeping out of the Assembly. But probably because of the attitude of Assam the Congress is faced with an awkward situation and reference to the Federal

Court is unavoidable.

Is there any chance of your being in Delhi in the first week of January when I expect to be there ?

Hope this finds you in the best of health.

With best regards,
I am,
yours sincerely,
B N Singh Roy

The Right Hon'ble
Dr. M. R. Jayakar, P.C., D.C.L.

C.A.

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Bombay,

December 26, 1946.

My dear Sir Narsingh Rau,

I have just received a letter from Mr. Tyabji, your Deputy Secretary, stating that he is unable to say whether I will be able to obtain an M.L.A. quarter for my use during the session of the Constituent Assembly, to be held about April 1947. I felt very disappointed on reading the letter, for, unless I can obtain an M.L.A. quarter, it will be difficult for me to attend that session of the Assembly. I cannot any longer trespass on the hospitality of kind friends and, at my time of life, it is rather difficult to live away from home without having my own servants etc. and a member of my family to attend to the establishment. I had spoken about this matter to you and you had kindly agreed to do your best. I am, therefore, inviting your attention to this matter in the hope that you will be able to obtain such quarters for my use. I would prefer quarters on the Phirozeshah Road, like the one which the Hon'ble Pandit Kunzru has.

I hope that you are feeling better. Now that the work of the Constituent Assembly has slackened, I do hope you will take complete rest, which you appeared to need so badly.

With kindest regards,

Yours sincerely

M.R.J.

Sir B.N. Rau,
Constitutional Adviser,
Council House,
New Delhi.

C. A.

Bombay

December 26, 1946.

Dear Mr. Tyabji,

Sub: Allotment of M.L.A. Quarters to the Members of the Constituent Assembly.

I have just received your letter, D.O.No.CA/1(2)/Ser/47, dated the 24th. It has greatly disappointed me. If I cannot get an M.L.A. quarter for my use during the session of the Constituent Assembly, to be held in April 1947, I fear that I may be unable to attend the session. I cannot any longer trespass on the hospitality of kind friends and, unless I am able to take with me to Delhi my own servants and a number of my family to attend to the establishment, it will not be possible to leave home. I have, therefore, to request you to make your best effort to obtain for my use an M.L.A. quarter, preferably on the Phiroseshah Road.

With kind regards,

Yours sincerely

M. R. J.

H.S. Tyabji, Esq.,
Deputy Secretary,
Office of the Constituent Assembly,
New Delhi.

D.O.No.CA/1(2)/Ser/47

3/4

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New Delhi,
the 23rd December 1946.

SUB: ALLOTMENT OF M.L.A. QUARTERS TO THE MEMBERS OF THE CONSTITUENT ASSEMBLY.

.....

Dear Dr. Jayakar,

I believe that you would like an M.L.A. quarter to be allotted to you for the session of the Constituent Assembly to be held about April, 1947. While every effort will be made to allot such a quarter to you, I am to express regret that we cannot at present say whether we will be able to do so, as all the available quarters have already been allocated to members and it will not be possible to withdraw any house from any member for allotment to another member without his consent.

With kind regards,

Yours sincerely,

(BF.H.B.TYABJI)
DEPUTY SECRETARY

The Rt.Hon'ble Dr.M.R.Jayakar, P.C.,
"Ashrama", Winter Road, Malabar Hill,
BOMBAY.

ASW

CA

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December 27, 1946.

My dear Mr. Natarajan,

I am very grateful to you for your appreciative comments on my amendment and the speech I made in proposing it before the Constituent Assembly. I hope you are doing well.

With kind regards,

Yours very sincerely

K. Natarajan, Esq.,
Kamakshi House,
Bandra,
Bombay 20.

Eng.-53.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

(TELEPHONES.)

DEMAND NOTE.

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Name Dr. M. R. Jayakar
Address (in full) 26 Western Court

Please pay either a deposit of Rs 65/8 (Rupees and annas only) or the annual rent of (Rupees and annas only) and return the enclosed Hiring Contracts after completion, as per instructions overleaf.

The connection / shifting asked for in your letter dated the will be installed / made on verification of credit.

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Rent for extra bells at Rs. per annum or Rs. per mensem.	20		
Other charges			
Deduct discount	6		
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Charges for shifting			
Rent for electric clocks at Rs.			
Rent for call bells at Rs.	7	8	
Installation charges	10		
Total	65	8	

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Exchange

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Signature of Countersigning Officer,

Designation.

* Here please enter the designation of the Accounts Officer by whom the charge will be adjusted.

Eng.-53.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

(TELEPHONES.)

DEMAND NOTE.

Departmental, Non-Departmental, Non-Exchange, Private, Government

No. 1127 Date 20-12- 19 26

Name Dr. M R. Sayekar
Address (in full) 26 Western Court-

Please pay either a deposit of Rs 6578 (Rupees and annas only) or the annual rent of (Rupees and annas only) and return the enclosed Hiring Contracts after completion, as per instructions overleaf.

The connection / shifting asked for in your letter dated the will be installed / made on verification of credit.

Name of Exchange ...CP Exn S.I.O.T. (Allotment 6006 Dtd 12/26 issued)

Particulars.			Amount. Rs.	Amount. As.	Remarks.
Rent for main connection at Rs. 20 pm Rs.	per mensem.	per annum or	40		Two month's rent less discount *plus* installation charges if desired, the annual rent, which is not subject to discount, may be paid, in which case the rent for the first year is reduced by the amount of the installation charge.
Rent for Extension at Rs. 50/-/8/- Rs.	per mensem.	per annum or	20		
Rent for extra bells at Rs. Rs.	per mensem.	per annum or			
Other charges			6		
Deduct discount					
Net					
Charges for shifting			1	8	
Rent for electric clocks at Rs.					
Rent for call bells at Rs.					
Installation charges			10		
		Total ...	65	8	

Amount demanded Rupees Sixty Five and annas Eight only
or annual rent Rupees and annas only.

C H Moore
Divisional Engineer, Telegraphs,
Sub-Divisional Officer, Telegraphs,
Officer-in-charge,

Received payment of a deposit of Rs.
annual rent of Rs.

Date-stamp of Post Office. Postmaster Head Office, Sub-Office.

Division
Sub Division
Exchange

Returned to the Divisional Engineer, Telegraphs, / Sub Divisional Officer, Telegraphs, / Officer-in-Charge,

Division.
Sub-Division.
Exchange

The charge of Rs. is accepted and will be adjusted by *
, under the heads noted on the reverse.

Signature of Countersigning Officer,

Designation.

* Here please enter the designation of the Accounts Officer by whom the charge will be adjusted.

Eng.-33.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

(TELEPHONES.)

DEMAND NOTE.

Departmental, Non-Departmental, Non-Exchange, Private, Government

No. H 27 Date 20-12- 19 46

Name Dy. M R. Jayakar
Address (in full) Mgt 26 Western Court-

I lease pay either a deposit of Rs 65/8 (Rupees and annas only) or the annual rent of (Rupees and annas only) and return the enclosed Hiring Contracts after completion, as per instructions overleaf.

The connection / shifting asked for in your letter dated the will be installed / made on verification of credit.

Name of Exchange Cptge 8107 (Allotment book 216 12/48 issued)

Particulars.	Amount. Rs.	As.	Remarks.
Rent for main connection at Rs. 20 per mensem. per annum or	40		Two month's rent less discount *plus* installation charges. If desired, the annual rent, which is not subject to discount, may be paid, in which case the rent for the first year is reduced by the amount of the installation charge.
Rent for Extension at Rs. 5 0/16/- per mensem. per annum or	20		
Rent for extra bells at Rs. per mensem. per annum or			
Other charges			
Deduct discount	6		
Net			
Charges for shifting			
Rent for electric clocks at Rs. Basic	1.8		
Rent for call bells at Rs.			
Installation charges	10		
Total ...	65	8	

Amount demanded Rupees Sixty five and annas Eight only
or annual rent Rupees and annas only.

Received payment of a deposit of Rs.
annual rent of Rs.

Divisional Engineer, Telegraphs,
Sub-Divisional Officer, Telegraphs,
Officer-in-charge,

C A Moore

Date-stamp of Post Office.

Postmaster

*Head Office,
Sub-Office.

Division
Sub-Division
Exchange

Returned to the Divisional Engineer, Telegraphs,
Sub Divisional Officer, Telegraphs,
Officer-in-charge,

Division.
Sub-Division.
Exchange

The charge of Rs. is accepted and will be adjusted by *
, under the heads noted on the reverse.

Signature of Countersigning Officer,

Designation.

* Here please enter the designation of the Accounts Officer by whom the charge will be adjusted.

To

Dr. M R. Jayakar
MLA

26, Wodehouse Court, Mad

107

No CH/P-8/28 - dated 20-12-46.

Rent of Telephone No 8107

Kindly arrange to pay the attached D/note of Rs 65/8/- in any Post-Office initial rent for the first two months of your telephone No 8107 installed at your residence

Having contract forms sent in due course

Yours
A B Moore
Engg Supervisor.
Telephones,
Construction Branch,
Upper Circular

No.-19.

CERTIFICATE OF POSTING.

The *unregistered* articles addressed as under have been posted this day :—

Description of article.	Exact address on the article.
Letter. (1)	G.A. Moore, Esq., Engineering Supervisor, Telephones, Constitution Council House, New Delhi.

Total number of articles (in words) Received

Date-stamp.	N.B.—For instructions regarding the use of this form and other information relating to certificates of posting, see below.	Postage stamps to be affixed here.

1. The sender should enter, in ink, the description and exact address of the article in the places provided on the face of this form. No other entry may be made in the form.

2. The fee charged for a certificate of posting is half-an-anna for every three articles or for any less number, and should be paid by affixing a postage stamp or stamps in the place provided above.

3. Any postal articles in respect of which this certificate is issued are not registered, and will not be checked in the post and will be treated as if they had been posted in ordinary course.

4. In the event of loss, damage or delay, this certificate will confer no title to compensation.

5. This certificate furnishes no proof of the nature of contents.

6. To obtain complete check in the post, receipts should be kept for registered articles. Title to compensation in the event of loss or damage can only be secured by insurance. No valuable article should be sent by post unregistered.

(131—1101/36)

MOIPPAh.—2220—23-5-44—21,15,800

C.A.

108

Bombay
December 31, 1946.

From

The Hon'ble M.R. Jayakar, P.C.,
Member, Constituent Assembly of India.

To

G.A. Moore, Esq.,
Engineering Supervisor, Telephones,
Council House,
New Delhi.

Dear Sir,

I am in receipt of a demand note emanating from your office, dated the 20th of December 1946, asking me to pay the amount of Rs.65-8-0 in respect of a telephone connection No.8107, which, your note indicates, has been installed at No.26, Western Court. One item in the said amount of Rs.65-8-0 is Rs.40/- shown as rent for two months. It is not clear for what two months this amount is and commencing and ending with what dates. If it is from the date of the installation and for two months thereafter, then the following facts may be considered before the amount is charged to me.

The Estate Officer had intimated to me at the end of November

last that No.26, Western Court, had been allotted for my use only during the preliminary session of the Constituent Assembly. Accordingly, when I visited the premises on or about the 9th of December, I found no telephone connection installed there and, partly for that reason and for other inconveniences, I never occupied the said quarters during the 12 days of my last stay in Delhi and I stayed with a friend. I gave due intimation of this fact to the officer concerned. Subsequently, on the 14th of December, I gave formal notice to the Estate Officer that, from and after the 15th of that month, I would not require the said quarters. To this communication, I duly got a reply, dated the 21st, that the allotment of the said quarters to me, which was for the preliminary session, was withdrawn as from the 15th of December. Besides, I never got any intimation that a telephone connection had been installed at 26, Western Court, in my name. If I had known of it in time, I would have had the telephone installed at the place where I was actually staying, viz., 1-A, Queen's Way. I had no occasion to use the telephone at 26, Western Court and, as the said quarters had been withdrawn from me from the 15th of December, I will have no occasion to use it. Under these circumstances, I request you to reconsider the matter and let me know whether I am liable to pay the said amount and if so, for what items, what premises and what period.

Yours faithfully

No. CA/40-Gen/46.II

CONSTITUENT ASSEMBLY OF INDIA.

Council House,
New Delhi, the 3rd January, 1947.

From

H.V.R. Iengar, Esq., C.I.E., I.C.S.,
Secretary.

To

All Members of the Constituent Assembly.

Sir/Madam,

I am directed to enclose, for your information, a copy of the rules for admission to visitors' galleries which have been approved by the President.

I have the honour to be,
Sir/Madam,
Your most obedient servant,

(H.V.R. IENGAR)
SECRETARY.

Enc.1

G.

CONSTITUENT ASSEMBLY OF INDIA.

Rules for the admission of Visitors to the Galleries of Constitution Hall.

The President of the Constituent Assembly has been pleased to make the following rules for the admission of visitors to the galleries of Constitution Hall during the public sittings of the Constituent Assembly:-

1. Ordinarily there shall be two classes of Galleries, namely:-

(a) Distinguished Visitors' Gallery;
(b) Public Gallery.

2. Admission to the Distinguished Visitors' Gallery and the Public Gallery shall be by cards to be issued by an order of the Secretary.

3. Applications for admission cards for the Public and the Distinguished Visitors' Galleries must be made to the Secretary, only through Members, for persons who are personally known to them, or, in select cases, for those who have been introduced to Members by persons who are personally known to them.

4. Applications for the admission cards for each day's meeting shall be made separately on the printed forms prescribed for this purpose.

5. Applications for cards should be submitted two clear days before the commencement of the meeting for which the applications are made. Such applications should be handed over to the Notice Office by 5 P.M. on all working days except Saturdays when the latest time for the receipt of the applications will be 1-30 P.M. In exceptional cases, where a pass is required for the wife or near relation of a Member, a clear notice of 24 hours only will be necessary.

6. Applications which do not supply in full the particulars required in accordance with the printed instructions on the application forms will not be complied with.

7. Admission cards to the galleries will be issued for a single meeting and will be available only for that meeting. They will not be transferable and shall in no circumstances be passed on to unauthorised persons. They will be issued subject to the holder observing any conditions endorsed on the admission card.

8. With a view to preventing unauthorised persons from coming into possession of application forms and then submitting them with forged signatures of the members of the Constituent Assembly, blank forms of application for admission cards to the galleries will be given to the Member who asks for these forms, or to his Private Secretary or clerk known to the Constituent Assembly office.

9. In order to eliminate, as far as possible, applications with forged signatures, Members should hand in their applications personally at the Constituent Assembly Notice Office. When this is not possible, Members should send their application forms duly filled in and signed by them through their Private Secretaries or clerks known to the Constituent Assembly office. If they are unable to comply with the ordinary procedure, and send their applications through the post or a messenger not known to the Constituent Assembly Office, they should state the reason (on the back of the applications forms) why the applications were not made in the ordinary way. No action will be taken on such applications if this condition is not observed.

10. Admission cards when ready will be handed over either to the Members applying for them or sent to their residential addresses but will NOT in any case be made over to visitors for whom they are required. When cards are delivered at their residences, Members should acknowledge their receipt in the peon book, or if they are out should arrange that some responsible person does so on their behalf.

11. The President may, at any time, suspend these rules for a particular meeting or meetings and substitute any special rules which he may deem fit in their place.

12. The President may, in his discretion, cancel any admission card to any of the Galleries.

13. Any matter not provided for in these rules shall be regulated by the President in his discretion.

CONSTITUENT ASSEMBLY OF INDIA

(Accounts Branch)

326

Council House,

No. CA/Accts-(138)/TA-46 *New Delhi, the* 3rd January 1947.

The Manager,
Bank of India Ltd.,
Fort, BOMBAY.

110

Sir,

I have the honour to forward herewith a Bank Draft No. G.I/153281 dated 30th Dec., '46 for Rs. 862/- (Rupees Eight Hundred and Sixty Two Only) for credit to the account of the Hon'ble Dr. M. R. Jayakar. The amount represents payment of his T.A. bill in connection with attending the last session of the Constituent Assembly.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- S. K. BOSE.
Accounts Officer.

Encl0;- 1

Copy forwarded to the Hon'ble Dr. M.R. Jayakar, Ashram, Winter Road, Malabar Hills, Bombay-6 - for information in continuation of this office endst. No.CA/Acctts-(138)/TA.46 dt. 20-12-46.

Bose 2/1/47
Accounts Officer.

BDJ

CONSTITUENT ASSEMBLY OF INDIA

D. O. No. CA/40/Asy/46.

Council House,

New Delhi, the 4th January, 1947.

Dear Sir/Madam,

I am desired by the Hon'ble the President to inform you that the adjourned meeting of the Preliminary Session of the Constituent Assembly will be held at 11 a.m. on the 20th January, 1947, at the Constituent Assembly Chamber, in the Council House, New Delhi.

Yours truly

(H. V. R. IENGAR)

Secretary.

C.A.

No. CA/1(2)-Ser/47.

CONSTITUENT ASSEMBLY OF INDIA.

Council House,
New Delhi, the 6th January, 1947.

From

H.V.R. Iengar, Esqr., C.I.E., I.C.S.,
Secretary.

To

All Members of the Constituent Assembly.

Subject:- Residential accommodation for members of the Constituent Assembly.

Dear Sir/Madam,

I enclose a copy of a note on the Housing position submitted to the President, which has been approved by him.

2. I am to express regret at the inconvenience that will be caused to those members who were hoping to get houses during the next session of the Constituent Assembly, but will not be able to get any due to the circumstances explained in the note. As members are no doubt aware, the Constituent Assembly has control only over the accommodation available in Constitution House. For other accommodation, it has to compete with the claims of other authorities; and so far as M.L.A. and Council of State quarters are concerned, the rights of members belonging to those bodies have overriding priority.

3. I am accordingly to request that those members (other than Prime Ministers and Ministers of Provinces who are being allotted M.L.A. quarters; and members who are also members of the Central Legislature and are in that capacity in possession of M.L.A. quarters) who occupied M.L.A. quarters including those in Western Court during the last session, but will not be allotted any for this session, should immediately indicate to the Estate Officer by telegram, if possible, their preference (three preferences, first, second and third) of the following accommodation:-

(a) Constitution House.
(b) Pataudi House.
(c) Western Court.
(d) Kotah House.
(e) Private hotels, e.g. Marina, Maidens, Cecil, etc.

Yours faithfully,

(H.V.R. IENGAR)
SECRETARY.

Enc.1

G.

CONSTITUENT ASSEMBLY OF INDIA.

Subject:- Residential accomrodation for members of the Constituent Assembly.

For the last session of the Constituent Assembly, it was possible to allot 38 M.L.A. Quarters to the members of the Constituent Assembly other than those who were also members of the Central Legislature. Out of these only 30 were actually occupied as the Muslim League members did not attend. This allotment was possible because it was the off-session period of the Central Legislature, and there was a sufficient gap between the dates fixed for the close of the Constituent Assembly and the commencement of the Legislative Assembly session.

2. These conditions do not apply now. The gap between the close of the next session of the Constituent Assembly and the commencement of the Budget session of the Legislative Assembly may be a bare three days, or even none at all. It is, therefore, not possible to allot houses meant for members of the Legislative Assembly to members of the Constituent Assembly (unless they happen to be also members of the Central Legislature). It is, however, possible to allot some of the houses meant for members of the Council of State to our members, as the Council of State will not meet till the middle of February. Only 15 Council of State quarters are available for allotment to our members for the next session. To this number we had hoped to add 10 more quarters, which are due to be vacated by officers occupying them, as new houses are being built for them elsewhere. It is, however, not advisable to rely on the completion of these new houses in time for the transfer being effected during the next session of the Constituent Assembly. On inspection of the new houses by the Deputy Secretary, he found that they were still in a very incomplete state, and in his opinion, it will take at least a month before they will become habitable. This may make it too late for our purposes.

3. In view of the seriousness of the housing position, a special meeting of members of the House Committee, who are present in Delhi, was held this morning. Unfortunately, only Mrs. Amru Swaminathan and Mr. Mohanlal Saksena were able to be present. On the position being explained to them, they agreed that the only action possible was:

(a) that the available M.L.A. quarters should be allotted to the Premiers and Ministers of the Provinces as shown in the margin,

Total number of Premiers and Ministers.	18
Bombay does not want.	1
U.P. which has 4 Ministers wants only 2 quarters.	2
N.W.F.P. One Minister. Did not stay last time in M.I.A. quarter.	1
	4
Actually required.	14

(b) that all the others (including those allotted houses during the last session) should be informed that in view of the position stated above, it will not be possible to allot M.L.A. quarters to any person other than Premiers and Ministers of the Provinces. Those who were not allotted houses will be accommodated, as far as possible, in the same rooms as were given to them during the last session; and those who were allotted houses should be asked to indicate their preference from the accommodation available in Constitution House, other Hostels and Hotels. Details of this will be indicated to them.

P.T.O.

(c) The one quarter left over under (a) above, and the 10 quarters (menticned in para. 2 above), if available in time, shall be allctted to persons who have a special claim on them due to physical infirmity or illness.

4. If the President approves, the members concerned will be informed in terms of this note.

Hon'ble the President.

Sd/- H.V.R. Iengar.
Secretary.
4-1-1947.

Yes.
Sd/- R.Prasad.
5/1/47.

C.A.

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CIRCULAR LETTER

No.CA/13/Ser/46.
CONSTITUENT ASSEMBLY OF INDIA

Council House,

New Delhi, the 6th January 1947.

From

B.F.H.B. Tyabji, Esq,I.C.S.,
Deputy Secretary.

113

To

All Members of the Constituent Assembly.

Subject:- TRANSPORT FACILITIES FOR MEMBERS OF THE CONSTITUENT ASSEMBLY.

.....

Dear Sir/Madam,

A reference is invited to this Office Circular letter No.CA/13/Ser/46, dated the 19th December, 1946, which explained why the bus service between Constitution House and Council House had to be discontinued. It has since been suggested that good advantage of this service could not be taken by Members as it was arranged rather late in the session, and that it should be restarted for the next Session.

2. As the Transport Coy were put to financial loss on the last occasion, they are reluctant to restart the service, unless they are assured of a reasonable amount of traffic. Will you, therefore, please inform this Office whether, if the service is restarted during the next session, you would like to use it.

I have the honour to be,
Sir/Madam,
Your most obedient servant,

(B.F.H.B.TYABJI)
Deputy Secretary

Rec'd 10/1/47.

Hvr/

A. I. C. C. DEBATES GROUPING PLAN

Hindu 6-1-47

ACCEPTANCE OF H.M.G.'S STATEMENT URGED

PANDIT NEHRU'S APPEAL

ASSURANCE TO ASSAM AND FRONTIER PROVINCES

(FROM OUR CORRESPONDENT.)

NEW DELHI, Jan. 5.

Two hundred and seven out of 396 members of the A.I.C.C. attended the emergency session summoned by the Congress Working Committee to-day to consider the situation arising out of His Majesty's Government's statement of December 6. Sardar Patel and Maulana Azad could not be present. Twenty-two speakers took part in the debate, the session lasting full six hours.

Pandit Nehru opened the debate with an analytical and exhaustive speech, anticipating all the arguments against the resolution. He drew the pointed attention of the House to the grave situation that may result unless patience and care were exercised. Whatever the reactionary intentions of the British Government and the League might be, the Congress, he said, should accept the December 6th statement and achieve the independence of the country. New difficulties had been put in the way of the Constituent Assembly and the League for its part was doing its best to prevent it functioning. Pandit Nehru said that the Congress acceptance of H.M.G.'s statement was the one step whereby they would judge finally whether the League meant to join them in the struggle for freedom. By accepting the statement, the Congress would be confronting both the British Government and the League in their own field, on their own ground.

SOCIALIST OPPOSITION

Seventeen amendments to the official resolution were moved. Mr. Tandon in a well reasoned speech emphasised that the autonomy of the provinces should be fully preserved. He regretted the resolution merely played with it. Dr. Lohia indicated the attitude of the Congress Socialists as one of total opposition to the resolution and urged the A.I.C.C. to reject it entirely.

The last speaker of the day, Pandit G. B. Pant, urging the acceptance of the resolution, said there was nothing in the resolution that went against the principles the Congress had always advocated. It would be neither politic nor correct for Assam to keep out of Sections and fight right from the beginning, as it had always the freedom to walk out. If the League needed a gesture from the Congress this resolution gave it and it was now for the League to enter the Constituent Assembly in all good faith.

The House expects to conclude by to-morrow noon. Socialists are marshalling all their forces, but the trend of opinion in the House indicated that the resolution would be accepted by a majority.

The Associated Press of India adds:—

It was originally expected that the A. I. C. C. would not have to sit beyond the first day, but the President, Acharya Kripalani, declined to apply closure to-day in view of the large number of members desiring to speak.

Half way through the debate, a delegate asked the President to tell the House what advice Mahatma Gandhi had given on the subject before the meeting. Acharya Kripalani ruled that the request was irrelevant at this stage.

WORKING COMMITTEE'S RECOMMENDATION

The following is the text of the Working Committee's draft resolution which was moved in the A.I.C.C. by Pandit Nehru:

"The A.I.C.C. having considered the events that have taken place in the country since the Meerut session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows:

"The A.I.C.C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the view contained therein.

"While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to the recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

"The A.I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any Province or part of a Province by another Province. The A.I.C.C realises and appreciates the difficulties placed in the way of some Provinces, notably Assam and the N.-W.F.P. and the Sikhs in the Punjab, by the British Cabinet's Scheme of May 16, 1946 and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

PRINCIPLE OF PROVINCIAL AUTONOMY STRESSED

"The A.I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections. It must be clearly understood, however, that this must not involve any compulsion of a Province and that the rights of the Sikhs, in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary, in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A.I.C.C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of Provincial Autonomy".

DETAILS OF DEBATE

KRIPALANI CRITICISES BRITISH DECISION

The All-India Congress Committee met this afternoon at "Constitution Club" with Acharya Kripalani in the chair.

Mr. Shankar Rao Deo, General Secretary, presented the minutes of the last meeting. The House accepted the minutes.

Acharya Kripalani in his opening remarks, reviewed the political developments in the country since the Committee's last meeting at Meerut and made special mention of Pandit Nehru's visit to London and the British Government's statement following that visit.

He commented caustically on the form and the language of this as well as earlier statements of the British Government. These statements, he said, were such that what they gave with one hand, they took away with the other. British statesmen were like jugglers. They produced new meanings and new interpretations from old statements like a juggler producing rabbits out of a hat.

Mr. Kripalani said that the present was a critical moment for the A.I.C.C. and the country. It was his intention to summon a meeting of the A.I.C.C. about this time to consider the report of the Constitution Sub-Committee of the Congress. But the A.I.C.C. had been called to consider a different issue of grave import.

Ever since the British rule started, Mr. Kripalani said, successive Viceroys had introduced some sort of reforms. But those were not reforms in any sense of the term but merely "re-form" to all. "We all thought", he said, "the controversy about the Constituent Assembly had ended and that the Assembly could start functioning smoothly. But like a magician who took out a rabbit from his hat everytime, the British held out new interpretations and difficulties."

Referring to H. M. G.'s December 6 statement, the Congress President said that it was not an interpretation, as the British Cabinet proclaimed, but something new which sought to amend the original State Paper of May 16. The Congress had already accepted the State Paper in its entirety but H. M. G. had held that the acceptance had not included their new interpretation. English, Mr. Kripalani said, was a language of diplomacy and the authors of the State Paper now tried to twist the meaning of the State Paper. That document, he said, provided for an All-India Union, recognised the autonomy of the Provinces and that residuary power should vest in the Provinces. But according to their latest interpretation, with the introduction of Grouping, the autonomy of the Provinces would vest in the Groups. This was a novel democracy which the British sought to apply to other countries.

RIGHT OF INTERPRETATION QUESTIONED

The State Paper and the British Cabinet's latest interpretation gave it a strong flavour of the Coupland scheme. That might be because, Mr. Kripalani said, Sir Stafford Cripps and Prof. Coupland were close associates. He emphasised that it should be the aim of the Congress to avoid a bloody revolution and bring about a change as peacefully as possible. The Congress desired a simple constitution and not the very complicated and difficult one as was proposed.

Mr. Kripalani argued that the British Cabinet had no right to give any interpretation. That should have been left to a supreme judicial body. The authors of a law could not themselves give the interpretation. In this connection, he referred to the correspondence exchanged between the Cabinet Mission and the Sikh leaders in which the Secretary of State had categorically stated that the Mission could not issue any additions to or interpretation of the State Paper.

Events so far, Mr. Kripalani said, were such that could not inspire any confidence in the British. Quoting Bernard Shaw, he said, "There is nothing so bad or so good that you will not find an Englishman doing it, but you will never find an Englishman in the wrong. He does everything on principles. He fights you on patriotic principles, he robs you on business principles, he enslaves you on imperial principles, he bullies you on manly principles, he supports his King on loyal principles and cuts off his King's head on republican principles." "And here in India to-day he repudiates his pledged word regarding the working of the Constituent Assembly on principles of interpretation and intention."

Somehow the British appeared to be always fortunate. In the First World War and so in the Second, Mr. Kripalani went on to say, they always had others to fight their battles and here in India they had the Muslim League.

After giving a survey of the developments since Pandit Nehru's visit to London, Mr. Kripalani said, "You must not act in haste or anger which would be harmful to us. We want to achieve freedom, but that we could achieve only through our own strength. Whatever might be the intentions of the British Government or their documents, we have now the Constituent Assembly. It is a machinery which can help us and we must take advantage of it."

NEHRU MOVES RESOLUTION

Pandit Nehru, moving the Working Committee's resolution recommending acceptance of the British Government's Statement of December 6, said it was a simple, straightforward resolution. There was no sign of weakness in it, he declared. If there was the least suspicion of weakness, he would not have brought it before them or commended it to their acceptance.

The main question before them was how to keep the Constituent Assembly alive and extract from it the greatest possible good for the country. "By accepting the Statement of December 6, we would leave the door open for the League to enter and put forward their point of view. If we did not accept that statement, it would give an opportunity to the British Government to change or withdraw their earlier statement of May 16, with the result that the Constituent Assembly might be changed radically." Obstacles had been put in the path of the Constituent Assembly in the past. They had overcome them and they should do everything in their power hereafter "to prevent attempts to sabotage this great weapon which we could use to our advantage."

Pandit Nehru recalled his speech at Meerut in which he had referred to the crisis towards which he felt they were 'fast moving inside the Interim Government. He had stated that the attitude of the British Government was adversely affecting the work of the Interim Government. Those statements and the fears he had expressed then were now coming true. At the time of his earlier speech the British Government could not have claimed success in impeding their work but now the British Government were in a position to make that claim and substantiate it. The British Government's actions had created complications. A grave situation had been created and the resolution before the House which had been prepared with great care and deliberation was a simple, straightforward one meant to meet that situation.

The House had to decide whether to accept the Statement of December 6 or not. This question had proved to be a headache. "We are not in the habit of accepting things thrust upon us against our will. We were sorely tempted to accept the challenge contained in this statement and answer it with all the force at our command. But we realised the danger of allowing our emotions to overpower us." Many forces have lined up against us, Pandit Nehru went on. We should advance cautiously to meet and overcome those forces and it was this consideration that prompted the Working Committee to bring the resolution before the House.

NOT A CONFESSION OF WEAKNESS

The resolution accepted the Statement. Some might feel that this was a confession of weakness. He denied that. Our fight had taken on a new form with the Sections B and C they would have a majority. But just as the Congress invited the League to cast away fear and join in the task of constitution-making, so the League too with equal justification invited the Provinces in B and C Sections and the Sikhs to enter the Sections. Mr. Shankar Rao Deo thought that the fear expressed by Assam and the Sikhs was premature. The minorities must depend on the good sense of the majorities, unless the majorities proved themselves unreasonable and openly hostile to the interests of the minorities.

There was no danger in accepting the resolution, said Mr. Deo. Any province or part thereof had the full right to stage a walk-out in the event of compulsion being exercised against it. In a walk-out in such circumstances, that province or part of it would have world sympathy.

CROP OF AMENDMENTS

The House then took up the consideration of amendments.

Mr. Ajit Prasad Jain moved an amendment rejecting the December 6 Statement and calling upon the Constituent Assembly to frame a constitution on the basis of a sovereign Republic as suggested in Pandit Nehru's resolution before the Assembly. He said that by passing the Working Committee's resolution they were only facilitating the entry of the Muslim League into the Constituent Assembly who would put obstacles in the way of achieving freedom.

On behalf of the Revolutionary Socialist Party, Mr. Sushil Chandra Deo moved an amendment to delete the operative part in the resolution and calling upon Congress members in the Constituent Assembly to declare India an independent country. Speaking amidst interruption he said, "You are not only going into Sections but into Groups also and thereby confirming the fears of Assam and others. We have already committed a mistake in accepting the Constituent Assembly." (Cries of No, no). A Constituent Assembly could succeed only when the Foreign Power was liquidated and there was a popular uprising and unity among the people.

Babu Purshotamdas Tandon moved an amendment which sought to delete that paragraph from the resolution which advised action in accordance with the interpretation of the British Government in regard to the procedure to be followed in Sections. The amendment further declared that the Congress did not accept the interpretation of His Majesty's Government on the State Paper. He also wanted to delete from the resolution the portion pertaining to the reference to Federal Court.

Mr. Tandon said that if the A. I. C. C. accepted the December 6 Statement it at once put an end to Provincial Autonomy because it was the Group as a whole which would frame the constitution for the Provinces. He did not see any force in the declaration that the acceptance of the December 6 Statement must not involve any compulsion of a province. As a matter of fact they had already been compelled to go into Sections and Groups in accordance with the resolution before the House.

Sardar Patel had remarked in the Constituent Assembly. Mr. Tandon went on to say, that the Congress had not accepted the December 6 interpretatron. But the resolution before the House was different and the Congress' stand had been very much watered down. Pandit Nehru had told the House that it was a matter of tactics. It might be so but there was no gainsaying that the Congress had slipped a step or two from the ladder. This was all due to separate electorates.

The Constituent Assembly, Mr. Tandon asserted, must continue to function even if the British were to dissolve it. As it happened in France, the Constituent Assembly should be prepared to meet anywhere and frame a free and sovereign republican constitution for India. He thought the Working Committee had shown weakness in placing this resolution before the A. I. C. C. If there was to be a revolution they must be prepared for it.

Mr. Sudhanshu Sinha moved an amendment for the rejection of H. M. G.'s Statement of December 6. He wanted the Constituent Assembly to proceed with the framing of a constitution for a free India and face all difficulties that might come in the way.

Mr. Hansar Harvani who moved a similar amendment emphasised that the Constituent Assembly should not be dictated to by any outside authority. It was a sovereign body and should act like a sovereign body. The British Government's interpretation of the State Paper must be rejected. "Our eyes should not be turned towards London but towards the people of India" he said.

Mr. Johrilal Chanbhoria, in an amendment to reject the December 6 Statement said that the entry of the Muslim League in the Constituent Assembly would be an obstacle to the achievement of freedom. The British Government's latest

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Acharya Kripalani ruled that the uest was irrelevant at this stage.

WORKING COMMITTEE'S RECOMMENDATION

he following is the text of the Work- Committee's draft resolution which moved in the A.I.C.C. by Pandit aru:

The A.I.C.C. having considered the nts that have taken place in the ntry since the Meerut session of the gress in November last, the state- t issued by the British Government December 6, 1946, and the statement the Working Committee of Decem- 22, 1946, advises Congressmen as ows:

The A.I.C.C. endorses the state- nt of the Working Committee of De- ber 22, 1946, and expresses its eement with the view contained rein.

and the Committee to summon a meeting of the A.I.C.C. about this time to consider the report of the Constitution Sub-Committee of the Congress. But the A.I.C.C. had been called to consider a different issue of grave import.

Ever since the British rule started, Mr. Kripalani said, successive Viceroys had introduced some sort of reforms. But those were not reforms in any sense of the term but merely "re-form" to all. "We all thought", he said, "the controversy about the Constituent Assembly had ended and that the Assembly could start functioning smoothly. But like a magician who took out a rabbit from his hat everytime, the British held out new interpretations and difficulties."

Referring to H. M. G.'s December 6 statement, the Congress President said that it was not an interpretation, as the British Cabinet proclaimed, but something new which sought to amend the original State Paper of May 16. The Con-

and the fears he had expressed were now coming true. At the time of his earlier speech the British Government could not have claimed success in impeding their work but now the British Government were in a position to make that claim and substantiate it. The British Government's actions had created complications. A grave situation had been created and the resolution before the House which had been prepared with great care and deliberation was a simple, straightforward one meant to meet that situation.

The House had to decide whether to accept the Statement of December 6 or not. This question had proved to be a headache. "We are not in the habit of accepting things thrust upon us against our will. We were sorely tempted to accept the challenge contained in this statement and answer it with all the force at our command. But we realised the danger of allowing our emotions to overpower us." Many forces have lined up against us, Pandit Nehru went on. We should advance cautiously to meet and overcome those forces and it was this consideration that prompted the Working Committee to bring the resolution before the House.

NOT A CONFESSION OF WEAKNESS

The resolution accepted the Statement. Some might feel that this was a confession of weakness. He denied that. Our fight had taken on a new form with the meeting of the Constituent Assembly and our aim should be to see that the Assembly was not postponed or shelved. It had not yet begun to function in its fullness but he hoped that when it met after a fortnight it would begin to function as it should. The significant point about the Assembly was not whether it was sovereign or not, but that it could not be dissolved by the British Government except by the use of force. "When the British Government choose to use force in that way, then it will be time for us to decide how to face it."

The primary point to bear in mind was that the Constituent Assembly had begun to function since December 9 and though it was not the Assembly of our ideals, yet it could be utilised as a weapon to achieve our independence. Therefore, it became absolutely essential and important to prevent attempts to postpone or shelve it. It had life in it and was capable of taking us far on the road to independence."

Their opponents, said Pandit Nehru had failed in their effort to shelve it, and so had adopted the alternative of putting obstacles in its way and had issued the Statement of December 6. Since 1919 the Congress had depended entirely on our strength and had looked to the people of India and not to the British Government to achieve our objective. "We have no desire to add to the number of enemies ranged against us at this critical stage of our fight. Our enemies rely entirely on the British Government and the British Government relied on them to do mischief in India. But even the combination of the two has not the strength to fight us face to face. And so they resort to subterfuges and creating obstacles in our way."

The League desired that the Constituent Assembly should not continue and that the country should revert to the order of things that prevailed eight or nine months ago. If that desire materialised, the Congress should meet that situation as they thought best. But all their energies should now be bent to going ahead with the Constituent Assembly with strength and firmness. It was possible that they might have to fight on a different front; they should be prepared for that too. By passing the resolution they would show to the world that they did not intend to work behind closed doors. And in order to demonstrate their desire to keep the doors open, they did many unpleasant things and postponed many decisions which they liked to take without delay. They did not want to give an opportunity to anyone to say that they had broken the British plan.

ADVICE TO ASSAM

Speaking of Assam, Pandit Nehru said it was true it had a mandate to oppose Sections and Groups and Assam could fight if it wanted. But, he would remind them, battles were won not by the personal courage of one or two but by the co-operation of many thousands and by the mobilisation and right use of resources. At the present time our object should be to outmanoeuvre our opponents. The time might come when Assam would have to fight; that fight would not be single-handed, but would be waged with the people of India behind them.

Pandit Nehru concluded by referring to his statement in Meerut that he did not know how long he and his colleagues would continue in the Interim Government. He still did not know how long they would remain there. People had been talking of the final fight for independence. He felt, however, that the fight was even now in progress. Possibly that fight would have to be intensified in the near future, but the present situation was such as to call for restraint of language and calm deliberation before action.

Mr. Shankar Rao Deo, seconding the resolution, declared that he had no doubt that the constitution of a free India could be framed through the Constituent Assembly. Although the interpretation given in the Statement of December 6 had gone against the Congress, still if they worked in co-operation with others, the goal of independence could be achieved through the Assembly. The Assembly was not a gift of the British Government but had been wrung out of British hands by our strength!

Mr. Deo admitted that the Muslim League represented almost all Muslims, but it was suffering from a fear complex because the Muslims happened to be in a minority in the Union Constituent Assembly. When the League accepted the Statement of May 16, it gave up the demand for Pakistan and agreed to a single Centre, however weak and attenuated. So, the League now insisted on compulsory Grouping, because in

due to separate electorates.

The Constituent Assembly, Mr. Tandon asserted, must continue to function even if the British were to dissolve it. As it happened in France, the Constituent Assembly should be prepared to meet anywhere and frame a free and sovereign republican constitution for India. He thought the Working Committee had shown weakness in placing this resolution before the A. I. C. C. If there was to be a revolution they must be prepared for it.

Mr. Sudhanshu Sinha moved an amendment for the rejection of H. M. G.'s Statement of December 6. He wanted the Constituent Assembly to proceed with the framing of a constitution for a free India and face all difficulties that might come in the way.

Mr. Hansar Harvani who moved a similar amendment emphasised that the Constituent Assembly should not be dictated to by any outside authority. It was a sovereign body and should act like a sovereign body. The British Government's interpretation of the State Paper must be rejected. "Our eyes should not be turned towards London but towards the people of India" he said.

Mr. Johrilal Jhanjhoria, in an amendment to reject the December 6 Statement, said that the entry of the Muslim League in the Constituent Assembly would be an obstacle to the achievement of freedom. The British Government's latest statement was intended to appease the Muslim League and the Congress should not subscribe to that policy.

Master Mota Singh, supporting Babu Purshotamdas Tandon's amendment, said he had no faith in constitutionalism for securing India's freedom.

Master Mota Singh considered the December 6 Statement as "a stab in the back of the Congress". The statement had created confusion and more difficulties. The Congress, he said, must be prepared to face a struggle now.

Mr. R. K. Sidhwa wanted an addition to the resolution to the effect that in future, in any dispute as to the interpretation of the State Paper of May 16, the Constituent Assembly alone should have the power and authority to interpret it and that any further interpretation by H. M. G. would not be accepted.

Pandit Nehru was heard to ask whether the amendment was in order as it sought to give a mandate to the Constituent Assembly.

The Congress President said that the British Government had also given some kind of a mandate to the Constituent Assembly in that in future the Assembly would refer any points of dispute to the Federal Court. He thought the House had a perfect right to say that it shall not refer matters of interpretation to the Federal Court but that the Constituent Assembly shall decide those matters.

BALUCHIS' OPPOSITION TO GROUPING

Khan Abdus Samad Khan (Baluchistan) moved an amendment which sought to include Baluchistan and Sind along with Assam, North-West Frontier Province and the Sikhs in the Punjab in whose way the resolution pointed out, difficulties had been placed by the State Paper. He said that he had a mandate from the Anjuman-i-Watan to oppose Grouping. The Baluchis did not want their constitution to be framed by the people of the Punjab or others.

Mr. Srish Chandra supported Babu Purshotamdas Tandon's amendment.

Mr. Shibbanlal Saxena moved an amendment which read *inter alia*, "The A.I.C.C. considers the December 6 Statement as a grave breach of faith with the Congress and the Congress cannot accept it as its acceptance would mean giving up of fundamental principles for which the Congress has always stood. The A.I.C.C. therefore, rejects the Statement of December 6 and hopes that the British Government will withdraw it. Further, it calls upon the nation to mobilise and unite all its forces under the banner of the Congress in readiness for any emergency which may arise".

Mr. Duben Day moved deletion of the operative part of the resolution. He described the resolution as "almost a bolt from the blue".

Other amendments included one from Mr. Abdul Ghani Khan urging rejection of the December 6 interpretation and calling upon the Congress Committees to prepare the people for the final struggle.

Mr. A. A. Mandagi moved an amendment the effect of which, he said, would be that the resolution would be silent about either acceptance or rejection of the interpretation of December 6. He urged, "Instead of announcing now beforehand what we are going to do, let us keep it vague and uncertain and when the question of procedure actually comes up, the Chairman and members of the Constituent Assembly will decide the point". It was impossible, he said that M. Jinnah and the League would regard the resolution as unconditional acceptance of the December 6 Statement.

Maulana Hifzur Rahman supported the resolution and said nothing in it violated the principles for which the Congress stood. The A.I.C.C. had already ratified the decision to join the Constituent Assembly as a step towards the goal of independence. Nothing had happened since then to show that that decision was wrong. It was therefore necessary to carry that decision to its logical conclusion and go on with the Constituent Assembly so long as the way was clear.

The Muslim League and the British Government, he asserted, had conspired to deprive India of what little had been conceded by the proposals of May 16. British policy had been to give with one hand and take it away with the other, and in the process of taking away, they were using the Muslim League to help them; the British Government was creating a situati

(Continued on next page)

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NEHRU'S REPLY TO CRITICS

115

ASSURANCE TO ASSAM

(FROM OUR CORRESPONDENT.)

NEW DELHI, Jan. 6.

By 99 votes to 52, the All-India Congress Committee to-day adopted the resolution moved by Pandit Jawaharlal Nehru yesterday, advising the acceptance of the British Government's interpretation as to the procedure to be adopted in the Sections of the Constituent Assembly.

Pandit Nehru accepted an amendment to the resolution moved by Khan Abdus Samad Khan (Baluchistan) for including Baluchistan in the same category as Assam, the North-West Frontier Province and the Sikhs of the Punjab in whose way difficulties have been placed by the State Paper.

Babu Purushottamdas Tandon's amendment for rejection of the December 6 Statement was lost by 54 votes to 102. Other amendments were either withdrawn or lost.

The delegates from Assam and the Socialists ranged themselves against Pandit Nehru's resolution. Mr. Baijnath Mukherjee and Rev Nichols Roy placed before the house the difficult situation in which Assam would find itself if the resolution was accepted by the A.I.C.C. While Congress was fighting for independence and unity, this resolution, if accepted, would divide the country. Assam delegates were very clear that they would not sit in Sections unless there was an assurance from Mr. Jinnah that he would not use his majority to the detriment of Assam.

Mr. Jai Prakash Narain warned the House against a policy of appeasement which the Working Committee had been following towards Mr. Jinnah and the League. He was sure Mr. Jinnah would make fresh demands and the Working Committee would find itself forced to consider them. Just as the Muslim League members had succeeded in disrupting the harmony of the Interim Government, they would neutralise the Constituent Assembly when they entered it. He announced that Socialists had now come to the conclusion that they could not go along with the right-wing of the Congress.

Dr. Pattabhi Sitaramayya put up a spirited defence of the Working Committee's resolution. He said the House would be playing into the hands of India's opponents if they rejected the resolution.

Pandit Nehru, in the course of his reply, made it clear that he was not prepared to commit the Congress to any reference to Federal Court on any disputable point. "We would consider every issue on its merits," he said.

In his concluding remarks, President Kripalani appealed to members, particularly Socialists, not to separate at this juncture but perfect the organisation through constructive activity and get ready for any eventuality.

THE DEBATE

The A.I.C.C. continued the debate on Pandit Nehru's resolution advising acceptance of the December 6 Statement (adds the Associated Press of India).

Dr. Choitram Gidwani (Sind) said that his attitude towards the resolution for the present was one of neither acceptance nor rejection though his mind was set against the Working Committee's recommendation. They had been endeavouring hard to secure the co-operation of the Muslim League for many years now even before the Communal Award was introduced. He thought the Congress was to-day in the same position as it was when the Communal Award was announced. It could neither accept it nor reject it.

Dr. Gidwani hoped that this would be the last hurdle in the way of the Congress. He would, however, ask for a definite assurance that after passing this resolution there would be no further obstacle by the Muslim League and that the British Government would give no further interpretations which the Congress would be called upon to accept. If such an assurance was forthcoming, then he would persuade himself to vote for the resolution.

On the merits of going into the Sections, Dr. Gidwani said that once they agreed to sit in the Sections, the constitution-making would be done by the Muslim League and it would be very difficult to opt out at a later stage. The recent elections in Sind had given them a foretaste of the future. The British were behind the League and, but for their support, the League Ministry would not be in power.

Concluding, Dr. Gidwani said that he was not against a struggle but he was not for an immediate struggle. There should be proper preparation and proper time for launching direct action.

Dr. Pattabhi Sitaramayya suggested that as Dr. Choitram Gidwani had wanted an assurance from the mover (Pandit Nehru) who was not present, the proceedings should be stopped for some time to enable the mover to come and give his reply.

Acharya Kripalani: I am not sure you have followed his speech. Dr. Choitram said if there is an assurance that there will be no further misinterpretation by the British Government then he would support the resolution. This reply has to be given by the British Government and not by the mover. The mover is not unfortunately in the confidence of the British Government (laughter).

Dr. Pattabhi: The implication is that there must be an assurance from the mover and the High Command that no further interpretation will be accepted.

Acharya Kripalani: No such assurance can be given because what would you do if there were changes for the better.

Dr. Pattabhi: You want to accept interpretations if they are to your good.

Acharya Kripalani: Certainly.

Dr. Pattabhi: Certainly not. It is a matter of principle.

Acharya Kripalani: Dr. Pattabhi may not accept a better thing, but I am prepared at any time to accept a better thing.

Dr. Pattabhi: That means you will relax a principle if it is to your good.

At this stage, the President called for order.

ASSAM MINISTER'S OPPOSITION

Mr Baidyanath Mukherjee, Minister of the Assam Government, opposing the resolution, said, "Assam is to-day caught on the horns of a dilemma. On the one hand, the Assam Legislative Assembly has given a mandate to the members who have been elected from Assam to the Constituent Assembly and Mahatma Gandhi has also expressed his opinion on what the people of Assam should do. The resolution which has been moved by Pandit Nehru stands on a different footing altogether; it asks Assam to join the section." How could the people of Assam agree to the proposal that the constitution of Assam should be framed by a majority of votes in the section in which the representatives of Assam were in a minority? How could Assam representatives accept the resolution which went against the Assam Legislature's mandate, and Mahatma Gandhi's advice? "For the sake of other parts of India, Assam should not be sacrificed," he pleaded. "If you want to sacrifice Assam, of course you can accept the resolution as it is. But I have confidence in you that we will not be sacrificed. If we are sacrificed, the Congress will be weakened. In this also, the unseen hand of the Britishers is playing a great part. We are fighting for our independence as well as for our unity but if we accept this resolution, the natural corollary is that we will be divided."

There were so many groups in Assam—hill tribes, people from the plains, Ahoms, and so—and if they all got separate electorates, there would be no hope for the people of Assam to achieve unity in future and opting out of the group would be out of the question. The unity which existed at present would cease to exist.

He concluded: "Assam is always with the Congress. We are fighting for the independence of the whole of India. Now, if for the sake of accommodating the Muslim League, Assam's case is forgotten, you will be doing a great injustice to Assam. I hope you will not allow Assam to be sacrificed."

ALTERNATIVES TO ACCEPTING CABINET STATEMENT

Dr. Pattabhi Sitaramayya, supporting the resolution, said that taking the totality of circumstances we had to consider the problem *de novo*. "The question is: Shall we accept the December 6 Statement or shall we not? The British Government, in conjunction with the Muslim League, conspired to thrust this problem upon us. If we rejected the Statement, it means the breaking up of the Constituent Assembly as it has been constructed up to now. It means an independent Assembly. It means war and nothing else. War is not feared by the Congress, but it is not wise to embark upon a war on a side issue. We will choose our time and circumstances. Now the British Government very much wants us to reject the Statement. The Muslim League will not be very happy possibly, if we accept it."

In any case, the obvious result of rejection would be that the Muslim League could demand a new centre for the provinces under its control and the British Government might accede to such a demand. "When this is done," said Dr. Pattabhi, "you have granted Pakistan by rejecting the document." If this was the position, rejection was out of the question, although his first impulse was to reject the Statement.

What would happen if we accepted the Statement? "If we accept it," said Dr. Pattabhi, "we put the British Government in the wrong." But he said "whatever concession we may make to the British Government or the Muslim League, it is subject to the cardinal and fundamental proposition that no province shall be compelled against its will to enter into a combination. There is no power on earth that can compel Assam to remain in a section against its will. If there are 35 votes on the side of the League and 32 on the side of the Congress in Group C, what power is there that can compel you (Assam) to submit to the tyranny of these three people?"

It would be very well, said Dr. Pattabhi, if the League decided to enter the Constituent Assembly before January 20, when the Constituent Assembly would reassemble. Perhaps the more likely thing was that Mr. Jinnah might again ask for clarification or elucidation, in which case latitude was given in the resolution for reconsidering the position.

REV. NICHOLS ROY ON ASSAM'S STAND

Rev. Nichols Roy, Minister in the Assam Government, said: "From the standpoint of Assam, we have to oppose this resolution and tell the people that we will take our own course. We will decide whether we will go into the Section or not according to circumstances. If we find that the attitude of Mr. Jinnah has changed, we shall go into the Section. If we find it has not changed, we shall not go into the Section. If we see that circumstances will help us to frame our own constitution, we shall enter the Section. If we see circumstances are against us, we shall not go into the Section. We are free now to go or not to go. We shall take that position and maintain that position until we see circumstances change." (Hear, hear.)

Referring to the mandate given by the Assam Legislature to the Assam members of the Constituent Assembly, he said: "We shall always stand by that principle because it is the right of an autonomous province (hear hear). We want to frame our own constitution. To that we shall stick at any cost."

Proceeding, he said, "We know what the policy of the Muslim League is in Assam. Even now the Muslim League in Bengal wants to send thousands upon thousands of immigrants to Assam and take possession of the land of Assam. That is feared by everyone. The people of the hills are afraid of that immigration and say they will fight it to the last. The people of the plains do not want to be swamped. They do not want Assam which is a non-Muslim majority province now to be turned into a Muslim majority province. That is the crux of the whole fight between Assam and the Muslim League. Once we go into the sections, we are committed to a wrong principle: we are acceding to the unjust demand of the League.

"The Muslim League is demanding something that is unjust while we in Assam are demanding what is our right. We do not want to go into the Section when we know that in the Section the policy of the Muslim League will be put into effect. During the last twenty years many lakhs of Bengal Muslims have come to Assam. Therefore Mahatma Gandhi has said that if Assam goes into the Section, it is finished. Everyone who knows the troubles there will feel that Assam should not go into the Section. Probably many of the members do not realise that the Muslim League is trying to divide the communities in Assam with the help of some conservative Britishers. Once we go into the Section there will be agitation to divide and divide, and the idea of our opting out will be at that time impossible. For us to go into the Section in the hope that the Muslim League will be reasonable and say that they would not want to send any immigrant to Assam would be to deceive ourselves."

"If Mr. Jinnah became reasonable and said, 'Come on, friends, let us go into the sections together. We are not going to force you by a majority vote,' I shall be glad to go into the section as a unit—the Bengal unit and the Assam unit. Then Assam would be ready to go into the section."

He referred to a "legal difficulty" which might arise if Assam went into the section in accordance with the resolution. "Once you are represented in that section," he said, "it might be just like walking out of a legislature. There are many people who have walked out of legislatures but those who remained in the legislatures have happily and merrily passed their legislation in spite of the walk out."

He characterised the resolution as a "quibble" and said as a plain-spoken man he did not like quibbles. It might be that the resolution offered a way out to Assam. He was not sure. He did not know whether Mr. Jinnah would co-operate with the Constituent Assembly on account of the passing of the resolution because "he knows that if he does not get Assam, his Pakistan is gone."

SOCIALIST ATTITUDE

Mr Jai Prakash Narain was the next speaker. Before calling him, the President referred to his offer of resignation from the Working Committee and said, "I have not accepted his resignation, because I want him to talk over things with me. We have not yet had time; at least he had no time to come to Delhi during the last meeting. Therefore the resignation is still there. I do not want to raise technical difficulties in the way of his speaking."

Mr. Jai Prakash Narain, opposing the resolution, declared that it represented one more step forward on the slippery path of compromise, the end of which he feared would be ultimate acceptance of even Pakistan, just as a leader of Rajaji's eminence proposed we should do some years ago. "I feel distressed sometimes by the way the A. I. C. C. invariably sets its seal of approval to every decision of the Working Committee and I feel it may be a good thing if I resigned from the A. I. C. C. also. If ever there was a time to disagree with the Working Committee it is now." He added his speech might sound like a threat but that was not his intention. He realised that his party was a small minority in the A.I.C.C. and the majority could afford to disregard their views altogether. "We have

accepted your decisions till now but the time may come when we shall have to part company". (Cheers).

There were only two ways open to them, Mr Jai Prakash Narain said. They could carry on with the Constituent Assembly and do only such things as were approved by the League, the British and the Princes That would be one course It would be a course dear to the heart of men like Dr Jayakar and Pandit Kunzru. If they took that road, then they would regard every issue as a side issue The second course was to act in the Assembly as if it was a sovereign body and frame a real revolutionary constitution and then ask for complete transfer of power to those elected under that constitution It might be that the Constituent Assembly would not be allowed to take that course for long, but that course was the only honourable one The Congress was strong enough to come to grips with the British Government but the Congress, instead of using it, entered into compromises which only enlarged India's internal troubles

"We agreed to the Congress joining the Constituent Assembly, and Pandit Nehru's resolution moved in it gave us new hope, but that hope has disappeared", said Mr. Narain "After the way that the League and Lord Wavell have conspired together, I do not know how any one could hope for any advance towards freedom as a result of the Constituent Assembly's work."

He regarded it a great mistake to have allowed the League to join the Interim Government without insisting on assurances of co-operation. "We are told that the British are quitting India. I saw no signs of it in my recent tour in the Punjab and in Kashmir. I saw no signs of it in the way the League has been brought into the Interim Government. The Congress is supposed to be helping the British to pack their bedding, but it looks as if the British during their 200 years in India have collected so much that the bedding takes years to pack" (laughter).

Mr Asaf Ali, supporting the resolution, felt that many extraneous matters not connected with the proposition before the meeting had been introduced in the debate. He wondered how Mr. Jai Prakash Narain's speech in particular was relevant. He doubted whether Mr. Narain and his group had ever put forward any constructive programme for the future of the country. Their speeches were always critical; they enumerated mistakes, real or fancied, that the Congress had made. Mr. Jai Prakash Narain had talked or revolution and struggle. But, Mr. Asaf Ali asked, what had the Congress been doing during the last fifty years except carry on a revolutionary struggle? He thought that those who talked so freely of revolution did not stop to think of the real meaning of revolution. The Congress had never shirked a struggle. Whatever compromises it had entered into were the result of full and mature thought and were made in the best interests of the country.

The crux of the position was whether Assam should or should not go into Sections and whether it should be treated as a unit. There was nothing that Assam need fear by going into the Sections. Nothing in the world could prevent Assam from getting out if attempts were made to impose things on it against its will. The Congress had in the past opposed many constitutions and reforms framed by others and would not hesitate to do so again in the case of Assam or any other part of the country.

NEHRU'S REPLY TO DEBATE

Pandit Nehru, winding up the debate, expressed agreement with most of what Mr. Jai Prakash Narain had said except with regard to the conclusions drawn by him. The resolution, he assured the House, had been drawn up after serious thought, but he would not dogmatise about the results that would flow from the acceptance of that resolution. It might cause harm; there was always that possibility. The Congress, he said, was strong enough to wipe the slate clean and start afresh. But he was at the same time grieved to see signs internal organisational weakness. The strength of the Congress had so long rested on the fact that though Congressmen debated and deliberated and sometimes differed over issues, once a decision was reached, all accepted it loyally and followed it unwaveringly. Things were different now. He agreed that one way of curing internal weakness and re-establishing unity was to launch a struggle, but he was not in favour of starting a major struggle merely in order to maintain structural or organisational unity.

Mr. Jai Prakash Narain had disputed the idea that the British were quitting; but, said Pandit Nehru, the belief that they were quitting was based not on the desire of the British, but on the compulsion of events which were forcing and hastening their departure. One of the main pillars on which the British Government rested in India was the Civil Service and that Civil Service was disappearing before their eyes. But the problem now was not merely to get rid of the foreign power, but to prepare a concrete picture of what should take its place. That was the objective which the resolution before the House was intended to achieve.

ADVICE TO ASSAM

Pandit Nehru advised Assam to make a positive and constructive approach, and he assured it that the resolution would give it strength. "I am quite alive to the dangers that confront Assam, but I would commend the resolution to its acceptance, because it is in the province to do so".

Dr. Lohiah had dealt at length with the Naga Hills. It was true that they could help the people of those hills, said Pandit Nehru, but he refused to accept the proposition that the battle of Indian independence should be fought on the Naga Hills. He appealed for a more positive and fuller approach to the problem.

Referring to Mr. Jai Prakash Narain's criticism of the A. I. C. C. on the ground that it always approved the Working Committee's decision, Pandit Nehru said that this was not a matter for surprise. The Working Committee after all represented the mind of the A.I.C.C. and so long as it enjoyed the confidence of the A.I.C.C., its decision or proposals must naturally be acceptable to the A.I.C.C. Personally he would like nothing better than that the Working Committee be changed every time a fresh lead was required to meet a new situation.

REFERENCE TO FEDERAL COURT

Pandit Nehru declared that the Congress was not going to commit itself at the present moment to any reference to the Federal Court or to any authority.

He made this declaration in answer to a question raised by a delegate with regard to the paragraph in the statement of December 6 saying that the Congress had agreed to refer matters of interpretation to the Federal Court. The questioner asked whether this was not a misstatement and whether acceptance of the statement of December 6 would not be acceptance of this misstatement.

Pandit Nehru, in reply, said: "I am glad of this opportunity to refer to this paragraph. It is a paragraph which is likely to mislead people. It says as a fact that the Congress has agreed already to it Exactly when the Congress agreed to this or in what form is not clear. What has happened in the past few months is that, on many occasions, when any question or dispute arose we have often said generally—and we said so at Simla—that we are prepared to refer any specific matter of dispute to an impartial arbitrator—whether it is the International Hague Court or to any court of justice. Once or twice we also said that if there is difficulty about interpretation we are prepared to refer it to some authority like the Federal Court. These were general statements we made, and normally speaking we agree to abide by them. But the way in which it has been put in this statement as if a formal statement was made to us and we agreed, is completely wrong.

"Apart from this, in view of recent developments and the statement of December 6 which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references Whatever the future brings we shall have to consider it I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court. We find that everything we say is being twisted and distorted and brought against us in the future We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances."

Mr Nehru accepted Mr. Abdus Samad Khan's amendment for the inclusion of Baluchistan in N W F P and Sikhs in the Punjab, mentioned in Paragraph 3 of the resolution expressing appreciation of the difficulties placed in the way of provinces by the British Cabinet scheme of May 16 He opposed other amendments.

The House rejected by 102 votes to 54 Babu Purshottamdas Tandon's amendment which mainly advised the Congress to reject the British Government's interpretation of December 6 and asked for the deletion of the paragraph in the resolution relating to the Federal Court.

Other amendments were either withdrawn or negatived and the resolution, with the addition of Baluchistan in the third paragraph; was passed by 99 votes to 52.

PRESIDENT'S APPEAL FOR UNITY

Acharya Kripalani, President, in his concluding remarks, said that as this was an emergency meeting of the A.I.C.C., none of the unofficial resolutions of which some members had given notice could be taken up He proceeded to congratulate the House on accepting the resolution prepared by the Working Committee and for the help and co-operation given to him in conducting the proceedings

Dr. Choitram Gidwani had asked that the Working Committee should give an assurance that no more interpretations would be forthcoming from the British Government or would be acceptable to us "So far as the British Government is concerned, I may tell you this is not the end of the trouble. Throughout the career of the Constituent Assembly there will be trouble. And the British Government will always put spokes in the wheel of progress. Imperialisms die hard Home policies may change but imperial policies do not change whatever the form of Government. As I said in my presidential address at Meerut, one would have thought that democracy and empire were poles apart but we have imperial democracies To-day, though Britain has a Socialist government Britain is a Socialist imperialism And so is France which is seeking to repress the urge to freedom of our neighbours in Indo-China. There is no 'ism' whether it be Socialism or Communism, that is immune from the danger of imperialism.

"RIGHT THING UNDER THE CIRCUMSTANCES"

"Therefore, so far as the British Government is concerned you must be prepared for hindrances in your way and these hindrances will have to be overcome So far as the Allies of British Imperialism are concerned, chiefly the Muslim League, you must also understand that troubles will arise at every stage. I am not quite sure that the 'very modest and moderate resolution', according to our radical friends that we have passed to-day will bring in the League. It may not come in But what the Working Committee has done is the right thing under the circumstances as conceived by it.

"So far as assurances from the Working Committee are concerned, I am afraid such assurances cannot be given because the Working Committee is not a stationary body. It is periodically changing not only in its personnel but individuals are also periodically changing in their outlook on national and international affairs

"Some of us learn by years and experience and some of us do not. Sometimes with growing years our intelligence and our spirit and enthusiasm degenerate So there is neither any guarantee from the British Government nor from the Muslim League nor even from the Working Committee. I would, therefore, request you who are the chosen of the people, to be on your guard. As Jawaharlalji said, there should be some co-operation and co-ordination between the Working Committee and the A. I. C. C.; otherwise the business of the House cannot proceed smoothly If we are unworthy of your trust, it is up to you to cashier us and find out a new Working Commitee for yourself. There is nothing wrong in that. We are your nominees and servants and the nation's servants. You can always call us to account and I hope that we shall always be ready to justify ourselves."

The President said, the only guarantee for the nation against trouble from the British Government, opposition from the Muslim League and betrayal by its leadership was "that you ask the nation and help the nation to keep the powder dry. As Jawaharlalji again said, we have to perfect our organisation. If we do not perfect our organisation and make it the vehicle of our will to freedom, our sacrifices for the country, our unity and discipline, then I say there are many dangers. Then I say that you will be betrayed by quarters, about which you do not even imagine to-day. I say further that even if by the accident of international situation or other world forces you get your freedom, that freedom will not be worth a day's purchase."

CALL TO SOCIALISTS

The Congress President went on, "I had thought that Sri Jai Prakashji, realising the critical condition in which we are, would talk in terms of greater unity and of putting our shoulders to the wheel together. Instead of that, he has told us that he will get away from the caste system that he and his party have helped to build in the Congress. It was bad enough that there should be this political caste system. It stands in our way. One can be radical without forming a party. But I think it will be worse if one tries to get out of this caste system of parties that has been built up.

"I repeat what I said once before: Our differences are few. The common points that we have are many, whether we are Socialists or plain Congressmen—I would not say non-Socialists because plain Congressmen, I am sure, are also Socialists but there are brands and brands of Socialism and one brand has appropriated to itself the name of Socialism in the Congress. The differences between ordinary Congressmen and Socialists are very few and our common points are more than 99 per cent. Therefore, why should we spin our political yarn so fine that it may break? Let us look to the agreements that exist among us and ignore the disagreement. Let us look to the common task that we have to perform and not to differing ideologies. When people work, ideologies fall into the background because the difficulties of the work surround them and they have to solve problems from day to day."

The perfection of the Congress organisation, Acharya Kripalani said, could come only through constructive activity. It was not necessary that constructive activity should be confined merely to the items that had been accepted by the Congress. "You can devise for yourselves and for the Congress a new set of items but some work you have got to do."

Acharya Kripalani referred to a report that violence was used recently during some elections in Allahabad and gave a warning that he would not hesitate to take disciplinary action if he found in any province that the rules of the democratic game were violated by violence, impersonation or by any other methods.

After the President's closing remarks, the session concluded.—A.P.I.

C. A.

Bombay

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January 8, 1947.

My dear Sir Narsingh Rao,

I hope you received my last letter in connection with the securing of quarters in Phiroseshah Road for my stay during the April-May session of the Constituent Assembly, if and when such a session is held. I am coming to Delhi to attend the next session of the Constituent Assembly on the 20th. I understand that that session will not go beyond ten days and, the time being so short, I am not thinking of getting my car, servants and establishment for such a short time. The Hon'ble Sir Sobha Singh has very kindly offered his hospitality for this short period and I am thinking of accepting it finally. But, if the long session of the Constituent Assembly is going to be held from and after April-May next, I shall have to think of having my own servants, car and establishment during that long period, in which case I shall want some quarters like those which Pundit Kunzru has in Phiroseshah Road. Please keep this matter in mind. We may talk about it when we meet after the 20th instant.

The last time I met you, you had a bad cough. I hope you have got rid of it and have once more restored to your normal health.

This is just a line to remind you of my request to have a copy of my

corrected speech made in moving my amendment.

With kindest regards,

Yours very sincerely

Sir B.N. Rau,
Constitutional Adviser,
Council House,
New Delhi.

Con. Assembly. Bombay.

January 9, 1947.

My dear Sardar Bahadur Sardar Sir Sobha Singh,

I wonder if you got my express telegram conveying my good wishes to you and your family on the occasion of the New Year. I have heard nothing about it, so I wonder if the telegram has miscarried.

I have just heard from the Constituent Assembly office that there is difficulty in obtaining accommodation during the next session for those members of the Constituent Assembly who are not members of the Central Indian Legislature. I also hear that the next sitting will commence on the 20th and will go on at the outside for about eight or ten days to make room for the sitting of the Central Assembly in the beginning of the next month. Owing to both these causes, it will not be possible for me to take to Delhi, as I had originally intended, my own car, servants and other establishment during the next session of the Constituent Assembly. It is not worth the trouble for such a short period apart from the difficulty of obtaining suitable quarters. I may, therefore, have to trespass upon your kind hospitality for another short period if you can conveniently put me up for a few days. I am surprised that the authorities of the Constituent Assembly are not able to arrange suitable accommodation for members who go to Delhi only for the purpose of the Constituent

Assembly. The difficulty will not be great during the next short period of a few days, but, if the difficulty repeats itself for the next April-May session, it may not be possible for me to be present in the Constituent Assembly at all, for that session, I understand, will go on, if at all, for several months. But, fortunately, the next session being brief, the difficulty is not so great. I am, therefore, writing to enquire whether, without much inconvenience, you can arrange to put me up as you so kindly did on the last occasion. I hope you and your family are all doing well.

With kind

Yours sincerely

M.R.J.

The Hon'ble Sardar Bahadur Sardar Sir Sobha Singh,
Baikunth,
New Delhi.

CIRCULAR NO. CA/5/ASY/47.

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CONSTITUENT ASSEMBLY OF INDIA.

Council House,
New Delhi, the 10th January, 1947.

From

H.V.R. Iengar, Esq., C.I.E., I.C.S.,
Secretary.

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To

All Members of the Constituent Assembly.

Subject:- Elections by the Constituent Assembly.

Sir/Madam,

I am directed to inform you that the President of the Constituent Assembly has been pleased to direct that the following procedure shall be observed in connection with the elections, if necessary, of members for the various Committees to be set up under the Rules of the Constituent Assembly.

These elections, instead of being held in the Constituent Assembly Chamber, will take place in the Under Secretary's room where the Under Secretary on the day fixed for an election will remain from 10.30 A.M. to 1 P.M. or such other hours as may be intimated by the President to the Assembly. Members desiring to take part in the elections may, during these hours, go to the Under Secretary, get the ballot paper from him after signing in a register in token of their having received the ballot paper, record their vote and deposit the paper in the ballot box kept for this purpose in that room. On the day of an election, notices will be posted in prominent places in the lobby to remind Members that the election is proceeding for a particular Committee on that day.

I have the honour to be,
Sir/Madam,
Your most obedient servant,

(H.V.R. IENGAR)
SECRETARY.

No. CA/6/Ser/47.

CONSTITUENT ASSEMBLY OF INDIA.

COUNCIL HOUSE,
NEW DELHI
13th *January* 1947.

FROM

KHAN BAHADUR S. G. HASNAIN,
Under Secretary.

To

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

SUBJECT :—*Ration Cards for Delhi*.

SIR,

In order to minimise inconvenience to Members, I am directed to state that the following arrangements have been made with the Controller of Rationing, Delhi, for the issue of Food Ration Cards and Fuel Permits to Members attending the forthcoming session of the Constituent Assembly who want to make their *own* cooking and living arrangements and will *not* be staying in Constitution House or other Government hostel or private hotel :—

1. FOOD RATION CARDS :

(*i*) Members will be required to fill in and sign the application form (Form 'B' enclosed), in advance of their arrival in Delhi and return it to this Office for transmission to the Circle Rationing Officer.

(*ii*) Members should be careful to fill in all the required particulars in the form and give their *full names and correct Delhi addresses*.

(*iii*) The Circle Rationing Officer will arrange to get the Ration Cards prepared and send them to this Office for delivery to Members.

(*iv*) On arrival in Delhi Members will be required to call at this Office to take over, and sign for, the Ration Cards, or when this is not possible, to send a reliable person, with a *written authority*, to do so on their behalf.

(*v*) Members are informed that it is permissible to bring one Week's ration of rationed commodities, *viz.*, Rice, Atta and Sugar, with them, and they are advised to do so to avoid inconvenience on their arrival in Delhi.

(*vi*) Members, who will obtain their requirements of rationed articles from an authorized establishment, such as a eatering institution, hotel, restaurant, etc., need not apply for ration cards for themselves, but they must do so for their servants accompanying them, who will have to make their own arrangements.

2. FUEL PERMITS:

(*i*) Members desiring to have fuel permits may kindly give their full names and Delhi addresses, and sign the enclosed application for fuel ration (other particulars will be filled in by the Rationing Authorities) and return it to this office for transmission to the Circle Rationing Officer who will arrange to get the fuel permits prepared and send them to this office for delivery to Members.

(*ii*) Fuel will be available at the shops noted on the permits against payment. The following are the fuel shops in the neighbourhood of the residences for the Members :

(*i*) M/S Moolchand Uday Ram,
F. R. D. 262. (Behind Western Court,
New Delhi).

(*ii*) M/S Mahabir Coal Co.,
F. R. D. 252. (Bengali Mall Market,
New Delhi).

Unless indicated otherwise, the Circle Rationing Officer will mark these permits on one of these shops. Should any Member desire to purchase his fuel from any other fuel dealer he may mention the name and the No. of the fuel dealer and the permit will be marked on such a dealer.

(*iii*) The quota of fuel fixed for each member per month is 7 maunds fire-wood, 1½ maunds charcoal, 4 maunds soft coke and 1½ maunds steam coal. This is the maximum quota available to each member, and they may take the whole or any part of it according to their requirements. It will not be possible to surrender one form of fuel and take another. If in a special case, larger quantities are required you may kindly forward an application which will be transmitted to the Circle Rationing Officer. In the application reasons for which larger quantities are required should be shown.

(*iv*) Permits for fuel will not be issued to Members residing in hotels, and their servants shall make their own arrangements to get fuel from the nearest fuel dealer on production of their Ration Cards, in the ordinary way.

3. At present, arrangements have been made for the ration cards to be valid up to the 140th week of rationing ending on the midnight following the 2nd February 1947. If any Member is required to stay beyond 2nd February 1947, he may kindly inform this office for making necessary arrangements to get such Ration Cards from the Circle Rationing Officer. It is requested that such intimation should be sent as early as it becomes clear to the Member that he proposes to stay beyond the 2nd February 1947.

4. Ration Cards and fuel Permits *must be returned* to this office by the Members before they leave Delhi.

5. Should any Member require any further assistance in this matter of procuring rationed commodities, he may either write to this office or ring up the Deputy Controller of Rationing on telephone No. 6685. The telephone No. of the Circle Rationing Officer No. 15 is 7196.

I have the honour to be,
SIR,
Your most obedient servant,
S. G. HASNAIN,
Under Secretary.

Encl. 2

GIPD—M—50 Con. Adv.— 11-1-47—400.

DELHI RATIONING

APPLICATION FOR SUPPLEMENTARY FUEL RATION.

——— :o: ———

Full name of head of family.....
(in block letters)

Postal address.....

S. No. of his Food Ration Card.....

No. of members in family.....

S. Nos. of Food Ration Card's of members of family.....

.....

Number of living rooms in the house*.....

I hereby declare that the information given above is correct.

Date.....

Signature of applicant
(Head of Family)

* Excluding such rooms as bathroom, separate kitchens dressing rooms etc.

It is an oSsnce **punishsbin with imprisonment , «nd/or fine to mahe FALSE STATEMENTS IN THIS APPLICATION.**

F O iE lM B Cirole No.

APPUCATION FOR TEMPORARY RATION CARD. Serial No.

Name in block letters^.eaa#**#*..... *#***#«e«ee#e«** ·····#··#·····4 •e ••••••

apply for (a) ration card (s) for the person (s) named in column 3, ----------

Rationing Circle No.....Block.....

l/we reside in eet .....House No.

iRoad Block

8. (Give names of all persons for whom ration cards are required.

Name of head of family with whom staying.....

Serial ..... and Code No..... of his ration card.....

I SOLEMNLY AFFIRM THAT THE INFORMATION SET OUT ABOVE IS TRUE.

Date .....194 Signature.....

Date of receipt in Rationing Office.....194 A.M. / P.M.

Date applicant asked to appear for ration cards.....194

Report of the Enquiry Officer.....

(a) Place where enquiry made.....

(b) From whom made.....

(c) Time and date when enquiry made.....

(d) Result.

Signature of Enquiry Officer.

Serial No. of temporary ration cards issued, if any.....

RECEIVED THE CARD(S),

.....

Initials of delivering Officer. Signature.....

Dated.....194 Date.....

Card Index Section's Report.....

Order of the Rationing Officer (Documents).....

Note:—Applicant asked to appear on.....

This counterfoil should be produced at the following office on..... 19 A.M. / P.M.

Signature of the Counter Clerk.....

Date.....194 Stamp of Circle Rationing Office.

CONSTITUENT ASSEMBLY OF INDIA

FORM OF APPLICATION FOR ADMISSION CARDS FOR VISITORS

To

THE SECRETARY,
CONSTITUENT ASSEMBLY OF INDIA

Dated 194 .

SIR,

Please send me an admission card for the person named below ~~for~~ the meeting of the Constituent Assembly of India to be held on the

*1. Name in full (Not initials) :—

*2. Profession :—

3. Permanent Address and Province :—

4. Delhi address :—

The above person is a $\frac{\text{personal friend}}{\text{relation}}$ of mine and I take full responsibility for him/her.

I have the honour to be,
SIR,
Your most obedient servant,

Member of the Constituent Assembly of India.

---

1. This application must be handed in on the day previous to the date of the meeting on which the office is open before 3 P. M. on Saturdays and 5 P. M. on other days.

2. This form is for use *only* in the case of those personal friends or relations of Honourable Members who happen to visit Delhi for a very short period and in whose case it is not possible to give the required one clear day's notice. This application will not be accepted if this condition is not fulfilled and if the particulars required above are not supplied *in full*.

3. In the case of ladies their full name and profession need not be given provided that in the case of married ladies their husband's full name and profession and for other ladies full name and profession of the person with whom they ordinarily reside are also given along with their usual names.

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CONSTITUENT ASSEMBLY OF INDIA

FORM OF APPLICATION FOR ADMISSION CARDS FOR VISITORS

To

THE SECRETARY,
CONSTITUENT ASSEMBLY OF INDIA

Dated *194* .

SIR,

Please send me an admission card for the person named below for the meeting of the Constituent Assembly of India to be held on the

*1. Name in full (Not initials) :—

*2. Profession :—

3. Permanent Address and Province :—

4. Delhi address :—

The above person is a **personal friend** / **relation** of mine and I take full responsibility for him/her.

I have the honour to be,
SIR,
Your most obedient servant,

Member of the Constituent Assembly of India.

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3. In the case of ladies their full name and profession need not be given provided that in the case of married ladies their husband's full name and profession and for other ladies full name and profession of the person with whom they ordinarily reside are also given along with their usual names.

CONSTITUENT ASSEMBLY OF INDIA

CIRCULAR No. CA/4/ASY/47

New Delhi, the 9th January, 1947.

To

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY

SUBJECT:—*Procedure regarding correction and return of speeches by Members*

SIR,

With a view to securing early and accurate reports of the Proceedings of the meetings of the Constituent Assembly the following instructions are issued for the guidance of Members, who are requested to comply with them as closely as circumstances permit:—

(1) A typed copy of the speeches as taken down by the Official Reporters, will ordinarily be forwarded to them for approval on the same evening on which they are delivered, and *must* be returned, approved, *within* 24 *hours*, to the *Editor of Debates*. In the event of a speech not being returned within that period, the duplicate typed copy will be utilized. Speeches written in whole or in part and read in the Assembly should *invariably* be supplied to the Official Reporters, and such speeches will not again be sent to the Members concerned for approval.

(2) Copies of quotations should *invariably* be supplied to the Reporters, except in cases where the page, etc., of some well-known Report, which is readily available, has been specifically referred to.

(3) In the case of classical quotations, *slokas*, etc., the transliteration in English of the quotation, followed by its meaning (if this has not already been given) should be filled in by the Member when his speech is sent to him for approval.

(4) Members are reminded that the Official Report is intended to be a correct reproduction of the speeches actually delivered by them in the Assembly, and that typed copies of the speeches are sent to them for approval only for the purpose of correcting any inaccuracies, which may have occurred in the process of reporting, *and not for the purpose of improving their literary form or of altering or adding to their substance.* Corrections, if any, should be made *neatly and legibly, and in ink,* as it is difficult to incorporate undecipherable corrections in the printed proceedings.

I have the honour to be,
SIR,
Your obedient servant,
H. V. R. IENGAR,
Secretary of the Constituent Assembly.

GIPD—L—111CA—10-1-47—500.

Circular No. CA/2/Ser/46.

CONSTITUENT ASSEMBLY OF INDIA.

Council House,
New Delhi, the 10th January, 1947.

From

H.V.R. Iengar, Esq., C.I.E., I.C.S.,
Secretary.

To

All Members of the Constituent Assembly of India.

Subject:- Travel and other facilities for members of the Constituent Assembly.

Sir/Madam,

With a view to relieving you from unnecessary trouble, as far as possible, in making arrangements for your journeys to and from Delhi for meetings of the Constituent Assembly, we have arranged with MESSRS. GOVAN BROTHERS, LTD., SCINDIA HOUSE, CONNAUGHT CIRCUS, NEW DELHI, to act as our official travel agents for the purchase of tickets, reservation of accommodation in trains and air services, etc.

2. They will also receive Members at the stations, if desired, and provide transport from the station to the place of residence and vice versa; arrange sight seeing trips and provide transport for other purposes in Delhi.

For performing the duties mentioned above in Delhi, they will station a trained man a few days before the Assembly session starts, and till a few days afterwards, at Constitution House (where the bulk of the Members are expected to choose to stay) in order to be in direct touch with the Members and the management of Constitution House.

They will not make any extra charges for all these Services. Members will only have to pay the actual cost of the transport provided.

3. Members who desire to avail themselves of the facilities mentioned above are advised to contact in good time the Head Office of Messrs. Govan Brothers, Ltd., or any of their branch offices at the addresses given below, so that arrangements for their travel, reception, etc., may be made well in advance:-

NEW DELHI ... Messrs. Govan Bros.Ltd., Passage Deptt., Head Office, Scindia House, Connaught Circus.
Telegrams: 'GOVBRO'. Telephone: 7682.

MADRAS ... Messrs. Govan Bros.Ltd., Passage Deptt., Bharat Buildings, Mount Road.
Telegrams: 'GOVBROS'. Telephone: 3745.

BOMBAY ... The American Express Company, Inc., Travel Dept., "Navsari Building", (I Floor), 240, Hornby Road, Post Box No. 507.
Telegrams: "AMEXCO". Telephone: 25295.

CALCUTTA ... The American Express Company, Inc., Travel Dept., P.O. Box No. 2311, "Pollock House", 28, Pollock Street.
Telegrams: "AMEXCO". Telephone: 2096.

KARACHI ... The American Express Co., Inc., Travel Dept., P.O. Box No. 533, "Oriental Building", McLeod Road.
Telegrams: "AMEXCO". Telephone: 3461.

LAHORE ... Messrs. Govan Bros.Ltd., 3, Sir Ganga Ram Trust Building, The Mall.
Telegrams: "GEOFMANCO". Telephone: 2988.

4. The Railway Department (Railway Board) have suggested that it would facilitate the work of the various Railway Administrations if the authorities concerned are given advance notice for

P.T.O.

reservation of accommodation on railways in good time, and that in case any difficulty is experienced in securing accommodation, the matter should at once be reported to the General Manager of the Railway concerned in the first instance, instead of through the office of the Constitutional Adviser or the Railway Board. This will eliminate delay and permit prompt action being taken to remedy defects.

5. The Railway Administrations have been asked by the Railway Board to extend in your favour the period in advance of the actual date of travel within which tickets may be purchased to 30 days, so as to enable you to secure early reservation.

6. The question of re-appointing Messrs. Govan Brothers as travel agents is being put to the House Committee which is to meet on the 18th January, 1947. If the Committee decides to make any change in the present arrangements, you will be informed.

I have the honour to be,
Sir/Madam,
Your most obedient servant,

(H.V.R. IENGAR)
SECRETARY.

No.CA/1(2)/Ser/47

CONSTITUENT ASSEMBLY OF INDIA

CA 345

Council House,

New Delhi, the 9th January, 1947.

From

Khan Bahadur S.G.Hasnain,
Under Secretary.

120

To

The Rt.Hon'ble Dr.M.R.Jayakar,
P.C., M.C.A.,
'Ashrama', Winter Road,
Malabar Hill, BOMBAY-6.

Subject:-ALLOTMENT OF M.L.A. QUARTERS TO THE MEMBERS OF THE CONSTITUENT ASSEMBLY.

Sir,

With reference to your letter dated the 26th December, 1946, addressed to Mr.Tyabji, on the above subject I regret to inform you that under the circumstances explained in this Office Circular No.CA/1(2)/Ser/47 dated the 7th January, 1947, it will not be possible to meet your wishes for allotment to you of an M.L.A. quarters.

2. For the next session of the Constituent Assembly which might be held in April or May, it is expected that a larger number of M.L.A. quarters will be available for use of the Members of the Constituent Assembly. If this materialises, the question of allotting one to you will be considered at that time.

I have the honour to be,
Sir,
Your most obedient servant,

Hasnain

(S.G.HASNAIN)
Under Secretary

Hvr/

CONSTITUENT ASSEMBLY OF INDIA

Council House,

New Delhi, the 9th January, 1947.

No. C.A./49/Asy./46

FROM

H. V. R. IENGAR, Esq., C.I.E., I.C.S.,
Secretary.

To

ALL MEMBERS OF THE CONSTITUENT ASSEMBLY.

SUBJECT:—*Members' passes for the meeting of the Constituent Assembly*

SIR/MADAM,

I am directed to invite your attention to my letter No. C.A./49/Asy./46, dated the 23rd November, 1946.

It has been decided to have a different colour for Members' passes to be used in connection with the meetings of the Constituent Assembly commencing on the 20th January, 1947.

One such pass is enclosed for your use. The pass issued to you for the last meeting of the Assembly *may kindly be destroyed.*

I have the honour to be,
SIR/MADAM,
Your most obedient servant,

H. V. R. IENGAR,
Secretary.

CA 340

CONSTITUTIONAL ADVISOR

Council House,

New Delhi, the 10th January, 1947.

122

My dear Dr. Jayakar,

I regret the delay in answering your letter.

I was waiting to hear what the House Committee would do regarding your request for the allotment of one of the M.L.A.'s quarters to you. Now, I am told that in view of the paucity of such quarters made available to us, the Committee has decided to allot them only to Prime Ministers and Ministers. A separate communication regarding this is being sent to you by the office. But, there is every hope of your getting one of the M.L.A.'s quarters for the April session.

I am enclosing a proof copy (unrevised) of that part of the Assembly debates which contains your speech. This copy was received from the press only yesterday.

With kindest regards

Yours sincerely,

B. N. Rau

The Rt. Hon'ble Dr.M.R.Jayakar, P.C.,
"Ashrama", Winter Road,
Malabar Hill,
Bombay.

C. A.

-S-

Bbay.

January 16, 1947.

From

The Rt. Hon'ble M.R. Jayakar, P.C.,
Member Constituent Assembly of India.

123

To

The Traffic Manager,
B.B. & C.I. Rly.,
Bombay 1.

Dear Sir,

I am a member of the Constituent Assembly of India, which meets in New Delhi on the 20th of January. To attend that session, I am leaving Bombay by air on the morning of the 19th. But, as I can take with me on the plane only a limited quantity of my bedding, [redacted] apparel etc., I am sending it with my Secretary, who will have to leave by the Frontier Mail on the evening of the 18th, to meet me in Delhi on the night of the 19th. May I, therefore, request you to be so kind as to provide Second Class accommodation

P.T.O.

for him on the Frontier Mail leaving Bombay for New Delhi on the evening of the 18th. If he does so, he will be able to reach Delhi in time to enable me to make use of the articles after reaching Delhi.

Yours faithfully

1-A Queensway
New Delhi

124

My dear Dr. Gayakar,

Please forgive the delay in replying your letter of the 1st instant. I've been out on tour & returned only this morning. Thank you very much for assuring your help regarding the Assembly elections, but by the time you come to Delhi, it will be too late to register my name in the Kandholi Constituency. I am therefore going to Lahore on the 20th to register myself in the General Sikh Constituency of Sangatka. This seat of course will

have to be contested, & the bill
immediate the one
not be so easy as I
talked to you about. I'll defer my other
propositions till we meet.

You are most welcome
to come & stay with us. Kindly let us
the exact date of arrival & all
arrangements will be made
as before. Mrs Gurbux Singh
still here because they haven't been
able to arrange accommodation in
Delhi

Details with best wishes!

Au revoir.

Yours sincerely,

Dalip

PHONE 2221.

BAIKUNTH,
NEW DELHI.
15-1-1947.

125

My dear Dr. Jayakar,

On my return from Calcutta just now I saw your letter of 9th January. I am sorry I could not reply you earlier. We received your good wishes for the New Year and wish you the same.

You are welcome to Baikunth and the same rooms will be kept for you. Your stay with us will always be a source of great pleasure to us. Please wire me the time of your arrival so that I can send the car to the station.

With best wishes and kindest regards,

Yours sincerely,

Sardar

The Rt.Hon'ble
Dr.M.R.Jayakar.

C.A.

Malabar Hill,
January 17, 1947.

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Express

The Hon'ble Sir Sobhasingh
Baikunth
New Delhi

Thanks Your Letter Arriving
New Delhi Aerodrome Sunday Forenoon

Jayakar

Received from Dr. Jayakar
the corrected copy of his
speech.

22. 1-47

(Copy: Telegram)

C.P

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EXPRESS

Bombay, 23-1-1947.

Dr M. R. Jayakar
New Delhi

HEARTY CONGRATULATION ON PASSING OF THE GREAT RESOLUTION AAA MAY I NOW REMIND YOU OF YOUR PROMISE TO ELECT REPRESENTATIVES OF SHIAS ON THE MINORITIES COMMITTEE AAA My NOMINATION FORM WITH ACCEPTANCE THEREOF WITH MR GADGIL AND MR SATYANARAIN SINHA CHIEF WHIP AAA THREE CRORE SHIAS ANXIOUSLY AWAITING JUSTICE.

HOOSEINBHOY A LALLJEE
PRESIDENT
ALL PARTIES SHIA POLITICAL CONFERENCE
AND
ALL INDIA SHIA SOCIAL CONFERENCE.

CA

556

128 556

O VE BEZWADA 20

RT HON M R JAYAKAR CARE CONSTT ASSEMBLY NEW DELHI

ANDHRA PROVINCE DAY CELEBRATED NINETEENTH BEZWADA (STOP) IYYANKI

THANDAVA KRISHNA M A PRESIDENT (STOP) RESOLUTION DEMANDING CONSTITUE-

-NT ASSEMBLY * PROVISION FOR SEPARATE ANDHRA PROVINCE PASSED UNANIMOUSLY

(STOP) ADDS IN CASE THIS LONGSTANDING GRIEVENCE IS NOT ABATED ANDHRAS

SHALL PREPARE FOR DIRECT ACTION (STOP) FURTHER REQUEST DR PATTABHAI

ANDX OTHER ANDHRA MUMBERS IN CONSTITUENT ASSEMBLY TO STRIVE UTMOST FOR

THIS CAUSE AND IN CASE THEY FAL TO RESIGN THE ASSEMBLY TO EFFECT WIDES-

-PREAD AGITATION THROUGHOUT COUNTRY FORCING DECISION (STOP) ----

---P V NAGBHUSHANAM ----

856 - 37

Const. Assembly.

Bombay.

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January 29, 1947.

My dear Mr. Padmanabhan,

I am in receipt of your kind letter No.CA/Accts./(138)/T.A.46, dated the 25th. I thank you very much for the trouble you have taken in this matter. I am enclosing herewith, duly signed, the consolidated T.A. Bill, which came with your letter in connection with Railway fares and allowances inclusive for the 6 days, 19th to the 24th of January. I hope you will find the signed Bill in order. The amount due to me may be sent to be credited to my personal account at the Bank of India, Ltd., Fort, Bombay 1. I reciprocate your good wishes for good health.

Yours sincerely

M.R.J.

K.V. Padmanabhan, Esq.,
Asst. Secretary,
Constituent Assembly of India,
New Delhi.

Encls:

Copy.

Railway fare ...	Rs.	316	.. ..
Road mileage - 12 miles - @ 0-8-0		6	.. ..
Daily allowance for 6 days @ Rs.30/- p.d.		180	.. ..
Conveyance allowance for 6 days @ Rs.15/- p.d.		90	.. ..
Total ...		592	.. ..

CONSTITUENT ASSEMBLY * INDIA *

BY AIR MAIL

No.CA/Accts/(138)/T.A.-46.

Council House,

New Delhi, the 25th January, 1947.

My dear Sir,

I received your letter of the 23rd only this morning. The Accounts Officer tells me that a bill containing the railway fares for the forward journey as also the daily allowance and conveyance allowance for the period from 19th January to 23rd January was placed on your table in the Assembly Chamber on the 22nd January for your signature. This was received back by the Accounts Officer through the Notice Office only on the 24th at about 1-30p.m., by which time, you had left for Bombay. As the Accounts Officer did not know of the non-receipt of the above bill, he had sent you another bill for the 24th January, which you have now returned.

I am now enclosing a consolidated T.A. bill containing the railway fares for the forward and return journeys as also the daily and conveyance allowances for the period from 19th January to 24th January (six days) admissible to you under the Rules. Would you kindly sign the bill and return it to me? Payment will

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be arranged by a Demand Draft payable at Bombay.

I am told that under our rules, aeroplane allowance is not admissible--see rule 4 (C) of the Hand-Book for members. You have therefore been allowed only railway fare (1 3/5th first class) from and to Bombay.

I hope this finds you in the best of health, and with my respects,

Yours sincerely,

K.V.Padmanabhan

(K.V.Padmanabhan)
Assistant Secretary

The Rt. Hon'ble Dr.M.R.Jayakar,
Winter Road, Malabar Hill,
Bombay 6.

Rec'd 23-1-47

361

X LK Bombay U 29 15o 11 adds 1183

Pandit Jawaharlal Nehru Nd
Dr Rajendra Prasad Nd
Maulana Abdul Kalam Azad Nd
Sri Shankaeraro Dev Member Constitent assembly Nd
Dr M R Jayakar Member constitent assembly Nd
Sardar Vallabhai Patel Nd
Shrimti Sarojini Naidu Curzon Road Nd
Sri N Amanthsaijana Ayyanger Member constituent Assembly
Sri Satya Narayan Sinha Constituention House Nd
Professor N G Ranga Member constitent Assembly Nd Mr N V Gadgil Member Constituent Assembly Nd

Hearty congratulation on passing of the great resolution aaa May I now remind you of your promise to elect representative of Shias on the minority committee aaa my nomination form with acceptance there of with Mr Gadgid and Mr Satya Narayan Sinha Chief whip aaa three crore Shias anxiously awaiting Justice.

Hoosenbhoy a Lalljee President All Parties Shia political conference.

C-4 362

Corr.-62.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

No. CHP-8/29 Dated the 28-1- 1947

Subject :— Re rent of Telephone No. 8107

The undersigned is directed to invite attention to the communication noted in the margin and to request the favour of an early reply that the return of the file be expected

No. even dated 20/12/46

for Rs 85/81-

DELHI SUB-OFFICE 4 PM 28 JAN 47

MGIPP Ab.—

S. S. Sodhi
District Manager
(MA-3-12/43 (III).
Delhi Telephone District
New Delhi.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

29 JAN 47 A.M. P.M

To

Dr M.R. Jayakar MCA,

~~26 Western Court~~

Napier Rd.

Asterain mansions Ed.

Malabar Hill

Bombay 6

The Manager

From Office of District

New Delhi.

Date-stamp.

MALABAR HILL
17 FEB 47
BOMBAY

N.B.—For instructions regarding the use of this form and other information relating to certificates of posting, see below.

Postage stamps affixed here.

1. The sender should enter, in ink, the description and exact address on the article in the places provided on the face of this form. No other entry may be made in this form.

2. The fee charged for a certificate of posting is half-an-anna for every three articles or for any less number, and should be paid by affixing a postage stamp or stamps in the place provided above.

3. Any postal articles in respect of which this certificate is issued are not registered, and will not be checked in the post and will be treated as if they had been posted in a letter-box.

4. In the event of loss, damage or delay, this certificate will confer no title to compensation.

5. This certificate furnishes no proof of the nature of contents.

6. To obtain complete check in the post, recourse should be had to registration. Title to compensation in the event of loss or damage can only be secured by insurance. No valuable article should be sent by post unregistered.

(IM-1107/44.)

MGIPPAh.—2020—23-5-44—21,15,800.

CERTIFICATE OF POSTING.

The unregistered Articles addressed as under have been posted here this day :—

Description of articles.	Exact address on the article.
Letter	G. S. Sodhi Esq. District manager Delhi Telephone District New Delhi

Total number of articles (in words)
One letter.

1-1 CP 132

February 1, 1947

From

The Rt. Hon'ble M.R. Jayakar, P.C.,
Member, Constituent Assembly of India.

To

G.S. Sodhi, Esq.,
District Manager,
Delhi Telephone District,
New Delhi.

Dear Sir,

An intimation No.CHP-8/29, dated 28th January, subject: the rent of telephone No.8107, has been delivered here containing the following words:

> "The undersigned is directed to invite attention to the communication dated 20th Decemb r 1946 and to request the favour of an early payment of Rs.65-8-0".

In this connection I may mention that, on the 20th of December 1946, I received

P.T.O.

a communication from one Mr. G.A. Moore, Supervisor, Telephones, Constitution House, New Delhi, a copy of which I enclose for your information. To that communication I sent a reply from Bombay on the 31st of December, a copy of which also I enclose herewith. I have heard nothing in reply to my letter of the 31st of December and I was, therefore, surprised to get the communication from you mentioned above.

I may add to the facts mentioned in my letter of the 31st of December, the following circumstances. During my last visit to New Delhi, as a member of the Constituent Assembly of India, I stayed as before at 1-A, Queen's Way, c/o the Hon'ble Sardar Bahadur Sir Sobha Singh. I stayed there from Sunday the 19th to Friday the 24th. During this interval, I made no use of the premises, 26, Western Court, which had been withdrawn from me from and after the 15th of December last, as stated in my letter of 31st December. There was no telephone fitted up for my use at 1-A, Queen's Way, where I stayed and the authorities were well aware of that. Under these circumstances, I fail to understand how I can be charged either for the installation of the telephone at 26, Western Court, or for its use for two months, when, as a matter of fact, I never stayed at 26, Western Court, or had no occasion to use the telephone even for a minute. As your communication under reply makes no mention of the previous correspondence, I thought I would draw your attention to the same in this letter.

Yours faithfully

Statements made by the Hon'ble the President in the Constituent Assembly on 20-1-1947.

C A 1

133 360

In the course of the debates on India in the House of Commons and in the House of Lords in December last, certain statements were made detracting from the representative character of this Assembly during its last session. Notable among those who spoke in this strain were Mr. Churchill and Viscount Simon. Mr. Churchill observed that the Assembly, as it was meeting then, represented "only one major community in India". Viscount Simon was more specific and referred to the Assembly as "a body of Hindus". He went on further to ask "whether this meeting of Caste Hindus at Delhi can be regarded by the Government as the Constituent Assembly they meant at all".

Both these gentlemen have held the highest offices of responsibility and have had a long and intimate connection with the affairs of India; and whatever may be their views on current political controversies they would not, I am sure, like to make statements which are wholly contrary to facts and lead to mischievous inferences. It is for this reason that I have considered it necessary on this occasion formally to state the facts. Out of a total of 296 members who were to take part in the Preliminary session, 210 members attended. These 210 members consisted of 155 Hindus out of a total of 160, 30 Scheduled Caste representatives out of a total of 33, all the 5 Sikhs, 6 Indian Christians out of a total of 7 (one of them is also counted as a member of backward tribes), all the 5 representatives of Backward Tribes, all 3 Anglo-Indians, all 3 Parsis and 4 Muslims out of 80. The significant absence is of course that of the representatives of the Muslim League - an absence which we all deeply regret. But it is clear from the figures I have quoted that with the exception of representatives of the Muslim League, every community in India, whatever the party affiliation of the persons representing that community, was represented in the Assembly; and, therefore, to describe the Assembly as representing "only one major community in India" or as "a body of Hindus" or as a "meeting of caste Hindus" is a complete travesty of facts.

Members may recollect that, in the course of the debates in the Constituent Assembly on Pandit Jawaharlal Nehru's resolution, Mr. Jaipal Singh (Bihar) pointed out that there was a discrepancy between the Cabinet Mission's Statement of May 16, 1946, as published in India, and the printed pamphlet circulated by the Assembly Office. The discrepancy referred to was in paragraph 20 of the Statement. His complaint was that whereas the Statement originally published in India referred to full representation of the interests affected, our reprint referred only to due ~~representa~~tion. I have had the matter investigated since.

The Principal Information Officer of the Government of India, who originally published the Statement in India, and who has been consulted, has informed us that it was printed exactly in accordance with the copy handed over to him by the Information ~~Officer~~ of the Cabinet Mission. Our own pamphlet is an exact reprint of the White Paper submitted to Parliament. It appears that the Statement as published in India underwent some small alterations at the hands of the Cabinet Delegation before being presented to Parliament.

The discrepancy pointed out by Mr. Jaipal Singh is not the only one; there are a few others also. I am, however, satisfied that in practically all cases these changes are purely verbal. Whether the change in paragraph 20 is also purely verbal or not is a matter of opinion. I personally do not think that any material difference has been introduced.

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CONSTITUENT ASSEMBLY OF INDIA.

New Delhi, the 18th January, 1947.

No:CA/2/47-Const.- The following Standing Orders made by the President of the Constituent Assembly of India are published for general information:-

STANDING ORDERS OF THE CONSTITUENT ASSEMBLY.

In exercise of the powers conferred by Rules 5, 19, 41, 42, 44 and 68 of the Constituent Assembly Rules and all other powers enabling him in that behalf, the President of the Assembly hereby makes the following Standing Orders:-

Short title. 1. These Standing Orders may be called the Constituent Assembly Standing Orders.

Definitions. 2. (1) In these Standing Orders, unless the context otherwise requires--

(i) "Rules" means the Constituent Assembly Rules.

(ii) "Committee" includes the Staff & Finance Committee, the House Committee, the Credentials Committee, the "States Committee" to confer with the Negotiating Committee for the Indian States and any other Committee set up by the Assembly.

(2) All words and expressions used herein and defined in the Rules and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them in those Rules.

I. Committees.

Chairman. 3. Save as otherwise provided in the Rules, each Committee shall elect its own Chairman and in his absence may choose a member of the Committee to preside and exercise the powers of the Chairman.

Committees. 4. If any member of the Assembly is a member of a Committee and ceases to be a member of the Assembly, he will also cease to be a member of the Committee.

Vacancies. 5. The Chairman may report to the President the existence or occurrence of a vacancy in the membership of any Committee and the President will thereupon take steps to fill the vacancy.

Method of filling vacancies.

6. Save as otherwise provided in the Rules or in the resolution setting up the Committee, any vacancy in the seat of a member of any Committee shall be filled by election, nomination, or co-option according as the said member was originally elected, nominated, or co-opted.

Meetings of Committees.

7. Meetings of a Committee shall be convened by the Secretary of the Committee at such times and at such places as the Chairman of the Committee may direct.

Notice of meetings.

8. When the Assembly is not in session, at least fourteen days' notice shall be given before a meeting of a Committee can be convened:

Provided that, in case of emergency, this period may be shortened at the discretion of the Chairman of the Committee.

Quorum.

9. (1) In the absence of any provision to the contrary, the presence of at least one-third of the number of the members shall be necessary to constitute a meeting of any Committee:

Provided that there must be at least two members, exclusive of the Chairman at any meeting of a Committee.

(2) If at the time fixed for any meeting of a Committee, or, if at any time during any such meeting, the quorum fix by the preceding sub-rule is not present, the Chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the meeting to some future time.

(3) Where the meeting has been adjourned in pursuance of the preceding sub-rule on two successive occasions, the Chairman shall report the fact to the Assembly.

Agenda.

10. (1) The agenda, together with explanatory memoranda, if any, shall be issued by the Secretary of the Committee so as to reach the members not less than two clear days before the date fixed for the meeting.

(2) Except as otherwise permitted by the Chairman, no matter not included in the agenda shall be considered at the meeting of any Committee.

Expert evidence.

11. A Committee may hear expert evidence and representatives of special interests concerned with the matters dealt with by the Committee.

Report.

12. (1) The report, if any, of a Committee shall be signed by the members of the Committee or by a majority of them.

(2) The report may be preliminary or final.

(3) If any member of the Committee desires to record a minute of dissent on any point, he shall sign the report stating that he does so subject to his minute of dissent, and shall hand in the minute within such time as may be fixed by the Committee in this behalf.

By order,
H.V.R. IENGAR,
SECRETARY.

CA 3

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CONSTITUENT ASSEMBLY OF INDIA

ORDERS OF THE DAY

for the meeting of the Constituent Assembly to be held on Monday, the 20th January, 1947, at 11 a.m.

1. PRESENTATION OF CREDENTIALS.

Members who have not already presented their credentials and signed the Roll of Members may do so.

2. MOTION.

SHRI SATYANARAYAN SINHA to move the following Motion:-

Resolved that the Assembly do proceed to elect, in the manner required under rule 40(1) of the Constituent Assembly Rules, eleven members (other than the President) to be members of the Steering Committee.

3. RESOLUTION

FURTHER DISCUSSION of the following Resolution moved by the Honourable Pandit Jawaharlal Nehru on Friday, the 13th December, 1946:-

(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

(2) wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India shall be a Union of them all; and

(3) wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) wherein shall be guaranteed and secured to all the people of India justice, social, economic, and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations; and

(8) this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

(Amendments moved are shown in the attached list)

H. V. R. IENGAR,
Secretary.

New Delhi,
the 17th January, 1947.

CONSTITUENT ASSEMBLY OF INDIA

(Amendments moved at the meeting of the Constituent Assembly held on Monday the 16th December, 1946.)

RESOLUTION BY THE HONOURABLE PANDIT JAWAHARLAL NEHRU.

1. By the Rt. Hon'ble Dr. M. R. Jayakar:-

The following be substituted for the Resolution:-

"This Assembly declares its firm and solemn resolve that the Constitution to be prepared by this Assembly for the future governance of India shall be for a free and democratic Sovereign State; but with a view to securing, in the shaping of such a constitution, the co-operation of the Muslim League and the Indian States, and thereby intensifying the firmness of this resolve, this Assembly postpones the further consideration of this question to a later date, to enable the representatives of these two Bodies to participate, if they so choose, in the deliberations of this Assembly".

2. By Rai Bahadur Syamanandan Sahaya:-

That for the 1st and the 2nd paras of the Resolution the following be substituted:-

"This Constituent Assembly declares its firm and solemn resolve to constitute India, within the shortest time, into an Independent Sovereign Republic, comprising initially of -

(a) The territories that now form British India, and, as soon as possible, also of
(b) The territories that now form the Indian States,
(c) Such other parts of India as are outside British India and Indian States, and
(d) Such other territories as are willing to join the Independent Sovereign Republic of India,

and further resolves that a constitution for her future governance be framed and laid down."

3. By Rai Bahadur Syamanandan Sahaya:-

That in para. 4 of the Resolution, the following words be omitted:-

"of the Sovereign Independent India, its constituent parts and organs of government".

H. V. R. IENGAR,
Secretary.

NEW DELHI,
the 17th January, 1947.

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CONSTITUENT ASSEMBLY OF INDIA.

ORDERS OF THE DAY

for the meeting of the Constituent Assembly to be held on Tuesday, the 21st January, 1947, at 11 a.m.

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1. PRESENTATION OF CREDENTIALS

Members who have not already presented their credentials and singed the Roll of Members may do so.

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2. MOTION

THE HONOURABLE PANDIT JAWAHARLAL NEHRU to move the following Motion:-

This Assembly resolves that the Committee constituted by its Resolution of December 21, 1946 (to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for certain specified purposes) shall in addition have power to confer with such persons as the Committee thinks fit for the purpose of examining the special problems of such territories or States as Bhutan or Sikkim and to report to the Assembly the result of such examination

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3. CONSIDERATION of any business entered in the Orders of the Day for Monday, the 20th January, 1947, and not concluded on that day.

H.V.R IENGAR,
SECRETARY.

New Delhi,
the 18th January, 1947.

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CONSTITUENT ASSEMBLY OF INDIA.

Notice of Amendments.

Supplementary List.
dated 22-1-47. (7-15 p.m)

(To be moved at the meeting of the Constituent Assembly to be held on Friday, the 24th January, 1947.)

MOTION BY THE HONOURABLE PANDIT GOVIND BALLABH PANT REGARDING THE SETTING UP OF AN ADVISORY COMMITTEE ON FUNDAMENTAL RIGHTS, ETC.

1. BY SHRI K.M. MUNSHI:-

That in sub-paragraph (a) of paragraph 1 of the Motion, substitute the number "72" for the number "68".

2. BY SHRI K.M. MUNSHI:-

That in sub-paragraph (b)(i) of paragraph 1 of the Motion, substitute the number "50" for the number "52".

3. BY SHRI K.M. MUNSHI:-

That in sub-paragraph (c) of paragraph 1 of the Motion, substitute the number "15" for the number "9".

4. BY SHRI K.M. MUNSHI:-

That in paragraph 4, between the words "three months" and the word "and", add the words "from the date of this Resolution".

5. BY SHRI K.M. MUNSHI:-

That in paragraph 4, after the word "time", substitute a comma for the full stop and add the words "but shall submit an interim report on Fundamental Rights within six weeks and an interim report on minority rights within ten weeks of such date".

New Delhi,
the 22nd January, 1947.

H.V.R. IENGAR
Secretary.

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CONSTITUENT ASSEMBLY OF INDIA.

ORDERS OF THE DAY

for the meeting of the Constituent Assembly to be held on Saturday, the 25th January, 1947, at 11 a.m.

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1. PRESENTATION OF CREDENTIALS

Members who have not already presented their credentials and signed the Roll of Members may do so.

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2. MOTIONS

(1) DR. B. PATTABHI SITARAMAYYA to move the following Motion:-

This Assembly resolves that a committee consisting of

(1) The Hon'ble Sir N.Gopalaswami Ayyangar
(2) Shri K.M.Munshi
(3) Shri Biswanath Das

be appointed to recommend the order of the further business of this Assembly in framing the Constitution for all India and to submit its report before the commencement of the next session of this preliminary meeting of this Assembly.

(2) THE HON'BLE SRI C. RAJAGOPALACHARIAR to move the following Motion:-

Whereas

in paragraph 15(i) of the Cabinet Delegation's Statement of May 16th, the subjects assigned to the Union Centre are generally and compendiously indicated under four broad categories,

and whereas

an understanding of the scope of these subjects is necessary for the purpose of framing the Union and other Constitutions, of avoiding as far as possible overlapping and conflicts between the provisions in the Constitution relating to the Union and those in the Constitutions referred to in clause (v) of paragraph 19 of the Statement, and of bringing all the said Constitutions into line with each other,

and whereas

it is necessary to draw up lists of matters included in and interconnected with the subjects assigned to the Union before the framing of the Constitutions referred to in clause (v) of paragraph 19 of the Statement is taken up for consideration

This Assembly resolves

(a) that a committee consisting initially of twelve members elected according to the principle of proportional representation by means of the single transferable vote be constituted to examine the above matters and to report to the Assembly not later than the 15th of April, 1947, and

(b) that the President may add ten more persons to the committee, and that the selection of all or any of these ten additional members be made at such time and in such manner as the President may determine.

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3. CONSIDERATION of any business entered in the Orders of the Day for Friday, the 24th January, 1947, and not concluded on that day.

H.V.R. IENGAR,
SECRETARY.

New Delhi,
the 22nd January, 1947.

CONSTITUTIONAL PRECEDENTS

(THIRD SERIES)

Pamphlet No. 2 : Fundamental Rights (II)

138 376

FUNDAMENTAL RIGHTS (II)

We may now proceed to analyse the fundamental rights embodied in the Constitutions of some of the more important countries of the world and to frame the draft of a Bill of Rights for incorporation in the Indian Constitution. For this purpose, it is useful to recognise a distinction between two broad classes of rights : there are certain rights which require positive action by the State and which can be guaranteed only so far as such action is practicable, while others merely require that the State shall abstain from prejudicial action. Typical of the former is the right to work, which cannot be guaranteed further than by requiring the State, in the language of the Irish Constitution, "to direct its policy towards securing that the citizens may, through their occupations, find the means of making reasonable provision for their domestic needs "; typical of the latter is the right which requires, in the language of the American Constitution, that "the State shall not deprive any citizen of his liberty without due process of law". It is obvious that rights of the first type are not normally either capable of, or suitable for, enforcement by legal action, while those of the second type may be so enforced. Both classes of rights are mentioned together under the head of "Fundamental Rights" in certain Constitutions, *e.g.*, in the Constitution of the USSR and in the Weimar Constitution of the German Reich, possibly because neither was intended to be enforced by legal action. But the distinction is clearly recognised (though not uniformly pursued) in the Irish Constitution, which deals first with "fundamental rights" strictly so called, and then with "directive principles of social policy", the latter being expressly excluded from the purview of the courts. A similar distinction is recognised in Dr. Lauterpacht's "International Bill of the Rights of Man" (1945). The substantive provisions of the Bill are in two parts, Part I dealing with rights meant to be enforced by the ordinary courts and Part II dealing with rights incapable of or unsuitable for such enforcement. We may usefully follow this plan and separate the two classes of rights : Part A may deal with fundamental principles of State policy and Part B with fundamental rights strictly so called. The following draft is suggested for Part A ; it is meant to be illustrative rather than exhaustive :—

"PART A,,.

"The principles set forth in this Part are intended for the general guidance of the appropriate legislatures and governments in India (hereinafter referred to collectively as 'the State'). The application of these principles in legislation and administration shall be the care of the State and shall not be cognisable by any court.

"1. The State shall promote international peace and security by the elimination of war as an instrument of national policy, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments and by the maintenance of justice and the scrupulous respect for treaty obligations in the dealings of organised people with one another.

"2. The State shall promote internal peace and security by the elimination of every cause of communal discord.

"3. The State shall, as far as possible, secure to each citizen—

(1) the right to work,

(2) the right to education,

(3) the right to maintenance in old age and during sickness or loss of capacity to work,

(4) the right to rest and leisure.

In particular, the State shall make provision for free and compulsory primary education.

"4. The State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled castes and the aboriginal tribes, and shall protect them from social injustice and all forms of exploitation.

"5. The State shall protect the culture, language and script of the various communities and linguistic areas in India.

"6. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

"7. The State shall ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that they shall not be forced by economic necessity to take up occupations unsuited to their sex, age or strength."

It is obvious that none of the above provisions is suitable for enforcement by the courts. They are really in the nature of moral precepts for the authorities of the State. Although it may be contended that the Constitution is not the proper place for moral precepts, nevertheless constitutional declarations of policy of this kind are now becoming increasingly frequent. (See the Introduction to the I.L.O., publication "Constitutional Provisions concerning Social and Economic Policy", Montreal, 1944.) They have at least an educative value. The first clause is taken from the Declaration of Havana made in 1939 by the representatives of the Governments, employers and workpeople of the American Continent. The second, fourth and fifth clauses are peculiary needed in India. The third clause embodies certain objectives of social and economic policy which are now widely recognized ; see, for example, Articles 118-121 of the Constitution of the USSR and Articles 42 and 45 of the Irish Constitution. The sixth clause relating to nutritional and other standards is taken from the recommendations of the United Nations Conference on Food and Agriculture, 1943, and is of special importance to India. The seventh clause is taken from Article 45 (4) 2° of the Irish Constitution, 1937.

We now come to the other Part, Part B, relating to fundamental rights strictly so called, that is to say, rights which are meant to be enforced by legal action. Here we enter upon controversial ground.

"There are very few countries which have fully adopted the system of judicial review enabling courts to act in that capacity in the matter of the fundamental rights of the individual guaranteed by the constitution. In the

United States, by long-established practice—though not in pursuance of any express provision of the Constitution—the Supreme Court has exercised that power since its decision in the historic case of *Marbury v. Madison*. This is also the position, by virtue of an express constitutional provision, in Brazil, Venezuela, and some other Latin-American countries, in Czechoslovakia, Rumania, and the Irish Free State. In a number of countries—such as Australia, Canada, and Germany (in the Constitution of 1919)—judicial review is limited largely to questions relating to the respective legislative competence of the Federation and of the Member States.

"On the other hand, in many States the constitution specifically excludes the interpretation of laws—and *a fortiori* any declaration of their invalidity—from the purview of the judiciary. Judicial review of legislation is contrary to the constitutional doctrine of France, and above all, of Great Britain, where the supremacy of Parliament is absolute. Although the Constitution of Soviet Russia of 1923 gave (in Article VII sec. 43) the Supreme Court of the Union the power to render decisions, at the request of the Central Executive Committee of the Union, on the constitutionality of any regulations made by the Republics of the Union, no such povers have been conferred upon it by the Constitution of 1936. . . . . .

"The doctrine of judicial review has been defended with fervent approval by great lawyers in the United States and elsewhere. Daniel Webster and Francis Lieber praised it as a bulwark of liberty. Lord Bryce was of the view that "there is no part of the American system which reflects more credit on its authors or has worked better in practice." Dicey was a strong believer in the doctrine of the supremacy of Parliament in England. But he was emphatic that it was "the glory of the founders of the United States"—in fact the doctrine of judicial review was adopted a quarter of a century after the foundation of the Republic—to have established a system of protection of the Constitution essential to a federal system (actually, the exercise of the power of judicial review by the Supreme Court has borne little relation to the fact of the federal structure of the United States). Tocqueville praised it as most favourable to liberty andto public order. After one hundred and forty years of operation it has the unqualified support of a large—perhaps predominant—section of American legal opinion as a bulwark of liberty of the people against the rashness and the tyranny of short-lived legislative majorities.

"On the other hand, the doctrine of judicial review has found from its very inception violent opponents and detractors in the country of its origin. Jefferson and Madison denounced it. Great teachers of constitutional law, such as J. B. Thayer, have drawn attention to the dangers of attempting to find in the Supreme Court—instead of in the lessons of experience—a safeguard against the mistakes of the representatives of the people. That criticism has grown in the last fifty years to the point of bitter denunciation as the result of the exercise of the power of judicial review in a manner which, in the view of many, has made the Supreme Court a defender of vested rights and social statics. Some French jurists, who were attempting to find a remedy for the absence of an effective guarantee of fundamental rights in their own constitution have come to regard the experience of judicial review in the United States as a sufficient deterrent against introducing judicial review in France. In countries other than the United States, in which judicial review of legislation is recognized, it has been exercised only in rare cases for the protection of the rights of the individual." [Pp. 186-190, ~~omitting footnotes~~. Lauterpacht An International Bill of the Rights of Man, 1945.]

In the peculiar circumstances of India, there may well be a demand for a Bill of Rights enforceable in the courts. There is ample material available for the preparation of such a Bill, but its drafting will require great care and must be reserved for a future occasion.

CONSTITUTIONAL PRECEDENTS

(THIRD SERIES)

PAMPHLET NO.1 : Fundamental Rights (I).

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PAMPHLET

FUNDAMENTAL RIGHTS (I)

One of the earliest tasks of the Constituent Assembly that is to frame the Constitution of the future Indian Union will be to set up an Advisory Committee "on the rights of citizens, minorities, and tribal and excluded areas". A Committee with such multifarious functions will doubtless find it necessary to split up into at least four sub-committees corresponding to the four branches of its work, and one of these sub-committees will have to deal with the subject of citizens' rights. This is a subject with a long history going back to Magna Carta and perhaps earlier, into the details of which it is unnecessary to enter here. It is sufficient for our present purpose to explain the nature of the problem and to indicate how it has been sought to be solved in other countries.

The Constitutions of a great many countries contain an imposing array of such rights, sometimes described as "fundamental rights". Reference is invited in this connection (1) to Amendments I-X, XIII-XV, and XIX to the Constitution of the U.S.A., (2) to Articles 4, 31, 44, 45, 49, 50, 55-58, 60 and 65 of the Swiss Constitution, (3) to Articles 109-160 of the German Constitution of 1919, (4) to Articles 118-128 of the Constitution of the U.S.S.R., (5) to Arricles 40-44 of the Constitution of Ireland (printed in the Second Series of Constitutional Precedents). England has no written Constitution, but the great Charters, Magna Carta, the Petition of Rights and the Bill of Rights form part of the Constitution. Broadly speaking, the rights declared in these Constitutions relate to equality before the law, freedom of speech, freedom of the press, freedom of religion, freedom of assembly, freedom of association, security of person and security of property. Within limits these are all well-recognised rights and it may be useful to draw attention to them by embodying them in the Constitutional Charter. The difficulty is in defining the precise limits in each case and in devising effective protection for the rights so limited. Some of the Constitutions have attempted to define the limits of some of these rights and in doing so have gone far towards destroying them. As an example, we may take Article 153 of the German Constitution of 1919, which runs :—

> "Property is guaranteed by the Constitution. Its extent and the restrictions placed upon it are defined by law.
>
> Expropriation may be effected only for the benefit of the general community and upon the basis of law. It shall be accompanied by due compensation, save in so far as may be otherwise provided by a law of the Reich."

In other words, rights of private property are said to be inviolable except where the law otherwise provides, which means that the rights are not inviolable. Similarly, Article 115 provides "The residence of every German is an inviolable sanctuary for him ; exceptions are admissible only in virtue of laws". The fact of the matter is that while these rights can be enunciated in broad terms, it is not possible to enumerate in advance every possible exception; the framers of the Constitution, therefore, leave the exceptions to be put in from time to time by the ordinary Legislature. The result is that there is no constitutional guarantee against an oppressive Legislature.

The other difficulty, namely, that of devising effective protection for the rights defined, really arises out of the difficulty of definition already pointed out. Where a right can only be indicated in broad terms, there is an obvious risk in allowing it to be enforced in the ordinary courts, because there is no knowing how broadly they might interpret it. There are at least three alternatives possible in this connection :—

(1) to take this risk and allow the rights, however imperfectly defined, to be enforced in the ordinary courts ;

(2) to set out the rights merely as moral precepts for the authorities concerned and to bar the jurisdiction of the ordinary courts either expressly or by implication ;

(3) to allow the more easily definable rights to be enforced in the ordinary courts and keep the rest out of their purview.

The difficulties of the problem are best elucidated by a few concrete cases. Let us take one of the most frequently enumerated of these rights, that of equality before the law ; and let us take a country where the rights are enforceable by the Courts : the United States of America. The Fourteenth Amendment to the Constitution of the U.S.A., which came into operation in 1868, puts it in the form that no State shall "deny to any person within its jurisdiction the equal protection of the laws". Obviously, these words are not to be taken too literally ; otherwise, they would render invalid even a State law granting special protection to women or children, as distinguished from other inhabitants, *e.g.*, a law that exempted children under the age of seven from all criminal liability. And so it has been held by the Supreme Court that the mere fact that a law applies to a particular class of inhabitants and not to other classes is not sufficient to invalidate it. But even within the same main class, does the Fourteenth Amendment require absolute equality ?

In *Radice v. New York*, a case decided in 1924 [264 U.S. 292], the Supreme Court was called upon to decide whether a New York law which prohibited the employment of certain classes of women in restaurants of certain classes of cities between 10 p.m. and 6 a.m. was valid or not. The law, it will be noticed, not only did not apply to male employees, but did not even apply equally to all classes of women employees ; accordingly it was attacked as a breach of the Fourteenth Amendment. Nevertheless, the Court held that there was no breach. The Legislature can select special classes or sub-classes for special treatment, provided that the classification is not arbitrary, oppressive, or capricious and, of course, the Court is to decide whether it is so or not in any given case.

But the Court has not found this task easy. In 1902, in *Connolly v. Union Sewer Pipe Company* [184 U.S. 540], an anti-Trust statute of Illinois of 1893 came under scrutiny. The statute made trusts or combinations for certain specified purposes a criminal offence, but added that its provisions did not apply to agricultural products or livestock in the hands of the producer or raiser. It was argued against this statute that the exemption of agriculturists and stockmen was repugnant to the "equal protection" clause and therefore that the entire statute was invalid. The Supreme Court in accepting both these contentions observed :—

" If combinations of capital, skill, or acts, in respect of the sale or purchase of goods, merchandise, or commodities, whereby such combinations may, for their benefit exclusively, control or establish prices, are hurtful to the public interests and should be suppressed, it is impossible to perceive why like

combinations in respect of agricultural products and live-stock are not also hurtful. Two or more engaged in selling dry goods, or groceries, or meats, or fuel, or clothing, or medicines, are, under the statute, criminals, and subject to a fine, if they combine their capital, skill, or acts for the purpose of establishing, controlling, increasing, or reducing prices, or of preventing free and unrestrained competition amongst themselves or others in the sale of their goods or merchandise; but their neighbours, who happen to be agriculturists and live-stock raisers, may make combinations of that character in reference to their grain or live-stock without incurring the prescribed penalty. Under what rule of permissible classification can such legislation be sustained as consistent with the equal protection of the laws? * * *

"We conclude this part of the discussion by saying that to declare that some of the class engaged in domestic trade or commerce shall be deemed criminals if they violate the regulations prescribed by the state for the purpose of protecting the public against illegal combinations formed to destroy competition and to control prices, and that others of the same class shall not be bound to regard those regulations, but may combine their capital, skill, or acts to destroy competition and to control prices for their special benefit, is so manifestly a denial of the equal protection of the laws that further or extended argument to establish that position would seem to be unnecessary." [184 U. S. 564.]

Nearly forty years later, in 1940, in *Tigner v. Texas* [310 U. S. 141], an anti-Trust law of Texas of a similar character and containing a similar exemption in favour of agricultural products and live-stock again came before the Supreme Court. This time, the Court upheld the law, observing, "The equality at which the 'equal protection' clause aims is not a disembodied equality. The Fourteenth Amendment enjoins 'the equal protection of the laws', and laws are not abstract propositions. They do not relate to abstract units A, B and C, but are expressions of policy arising out of specific difficulties, addressed, to the attainment of specific ends by the use of specific remedies. *The Constitution does not require things which are different in fact or opinion to be treated in law as though they were the same.* And so we conclude that to write into law the differences between agriculture and other economic pursuits was within the power of the Texas legislature. Connolly's case has been worn away by the erosion of time and we are of opinion that it is no longer controlling". If the above qualification were incorporated in the Fourteenth Amendment, the "equal protection" clause would be diluted into the mild injunction that the State shall treat as equal in law only those persons within its jurisdiction who are equal in fact. It is, of course, for the Courts to judge whether persons are equal in fact; but, we may add, the same classes of persons that appeared to the Courts in 1902 to be manifestly equal in fact were found in 1940 to be, in truth, unequal. The protection offered by the clause has thus worn very thin. Indeed, even a Nazi State might have accepted it on its present interpretation, for its Courts could be trusted to rule "A Jew is not equal to an Aryan in fact and there is therefore no ground for treating him as equal in law". Needless to say, the Supreme Court of the United States has a higher conception of the dignity of man, and the constitutional protection, though "worn away by the erosion of time" in certain other spheres, is still potent in the racial. In *Missouri v. Gaines*, a case decided in 1938 [305 U. S. 337], a negro named Lloyd Gaines, who had been refused admission to

the School of Law of the State University of Missouri, sought to compel the University authorities to admit him upon the strength of the "equal protection" clause in the Constitution. The matter, after going through various Courts in the State, ultimately came before the Supreme Court of the United States ; the following extracts from the judgment give the full facts of the case and show the view taken by the majority :—

" Petitioner is a citizen of Missouri. In August, 1935, he was graduated with the degree of Bachelor of Arts at the Lincoln University, an institution maintained by the State of Missouri for the higher education of negroes. That University has no law school. Upon the filing of his application for admission to the law school of the University of Missouri, the registrar advised him to communicate with the president of Lincoln University and the latter directed petitioner's attention to Section 9622 of the Revised Statutes of Missouri (1929), Mo. St. Ann. § 9622, *p.* 7328, providing as follows :—

' §9622. *May arrange for attendance at university of any adjacent state—tuition fees.* Pending the full development of the Linclon university, the board of curators shall have the authority to arrange for the attendance of negro residents of the state of Missouri at the university of any adjacent state to take any course or to study any subjects provided for at the state university of Missouri, and which are not taught at the Lincoln university and to pay the reasonable tuition fees for such attendance; *provided* that whenever the board of curators deem it advisable they shall have the power to open any necessary school or department. (Laws 1921, *p.* 86, §7.) '

" Petitioner was advised to apply to the State Superintendent of Schools for aid under that statute. It was admitted on the trial that petitioner's ' work and credits at the Lincoln University would qualify him for admission to the School of Law of the University of Missouri if he were found otherwise eligible.' He was refused admission upon the ground that it was ' contrary to the constitution, laws and public policy of the State to admit a negro as a student in the University of Missouri '. It appears that there are schools of law in connection with the state universities of four adjacent States, Kansas, Nebraska, Iowa an Illinois, where non-resident negroes are admitted.

* * * *

"In answering petitioner's contention that this discrimination constituted a denial of his constitutional right, the state court has fully recognized the obligation of the State to provide negroes with advantages for higher education substantially equal to the advantages afforded to white students. The State has sought to fulfil that obligation by furnishing equal facilities in separate schools, a method the validity of which has been sustained by our decisions.

" But the fact remains that instruction in law for negroes is not now afforded by the State, either at Lincoln University or elsewhere within the State,

and that the State excludes negroes from the advantages of the law school it has established at the University of Missouri.

* * *

"The state court stresses the advantages that are afforded by the law schools of the adjacent States, Kansas, Nebraska, Iowa, and Illinois, which admit non-resident negroes. The court considered that these were schools of high standing where one desiring to practise law in Missouri can get 'as sound, comprehensive, valuable legal education' as in the University of Missouri; that the system of education in the former is the same as that in the latter and is designed to give the students a basis for the practice of law in any State where the Anglo-American system of law obtains; that the law school of the University of Missouri does not specialize in Missouri law and that the course of study and the case books used in the five schools are substantially identical. Petitioner insists that for one intending to practise in Missouri there are special advantages in attending a law school there, both in relation to the opportunities for the particular study of Missouri law and for the observation of the local courts, and also in view of the prestige of the Missouri law school among the citizens of the State, his prospective clients. Proceeding with its examination of relative advantages, the state court found that the difference in distances to be traveled afforded no substantial ground of complaint and that there was an adequate appropriation to meet the full tuition fees which petitioner would have to pay.

"We think that these matters are beside the point. The basic consideration is not as to what sort of opportunities other States provide, or whether they are as good as those in Missouri, but as to what opportunities Missouri itself furnishes to white students and denies to negroes solely upon the ground of color. The admissibility of laws separating the races in the enjoyment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State. The question here is not of a duty of the State to supply legal training, or of the quality of the training which it does supply, but of its duty when it provides such training to furnish it to the residents of the State upon the basis of an equality of right. By the operation of the laws of Missouri a privilege has been created for white law students which is denied to negroes by reason of their race. The white resident is afforded legal education within the State; the negro resident having the same qualifications is refused it there and must go outside the State to obtain it. That is a denial of the equality of legal right to the enjoyment of the privilege which the State has set up, and the provision for the payment of tuition fees in another State does not remove the discrimination.

* * * *

"Nor can we regard the fact that there is but a limited demand in Missouri for the legal education of negroes as excusing the discrimination in favor of whites. We had occasion to consider a cognate question in the case of *McCabe v. Atchison, Topeka and Santa Fe Railway Co., supra.* There the argument was advanced, in relation to the provision by a carrier of sleeping cars, dining and chair cars, that the limited demand by negroes justified the

State in permitting the furnishing of such accommodations exclusively for white persons. We found that argument to be without merit. It made, we said, the constitutional right 'depend upon the number of persons who may be discriminated against, whereas the essence of the constitutional right is that it is a personal one. Whether or not particular facilities shall be provided may doubtless be conditioned upon there being a reasonable demand therefor; but, if facilities are provided, substantial equality of treatment of persons traveling under like conditions cannot be refused. It is the individual who is entitled to the equal protection of the laws, and if he is denied by a common carrier, acting in the matter under the authority of a state law, a facility or convenience in the course of his journey which, under substantially the same circumstances, is furnished to another traveler, he may properly complain that his constitutional privilege has been invaded.' *Id.*, 235 U. S pages 161, 162, 35 S. Ct. page 71.

"Here, petitioner's right was a personal one. It was as an individual that he was entitled to the equal protection of the laws, and the State was bound to furnish him within its borders facilities for legal education substantially equal to those which the State there afforded for persons of the white race, whether or not other negroes sought the same opportunity.

"It is urged, however, that the provision for tuition outside the State is a temporary one,—that it is intended to operate merely pending the establishment of a law department for negroes at Lincoln University. While in that sense the discrimination may be termed temporary, it may nevertheless continue for an indefinite period by reason of the discretion given to the curators of Lincoln University and the alternative of arranging for tuition in other States, as permitted by the state law as construed by the state court, so long as the curators find it unnecessary and impracticable to provide facilities for the legal instruction of negroes within the State. In that view, we cannot regard the discrimination as excused by what is called its temporary character.

* * * *

"The judgment of the Supreme Court of Missouri is reversed and the cause is remanded for further proceedings not inconsistent with this opinion."

The importance of this judgment is enhanced by the fact that apart from the clause about equal protection of the laws in the Fourteenth Amendment, the U.S.A. Constitution does not expressly provide for equality of educational opportunities for all citizens, irrespective of race. The express provision contained in the Fifteenth Amendment is limited to the franchise: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." In this respect, the Constitution of the U.S.S.R. is more liberal, because under Article 123, "Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law. Any direct or indirect restriction of the rights of, or, conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law." But the Supreme Court of the U.S.S R. has no power to disallow laws and acts which contravene the rights declared. The Presidium of the Supreme Soviet—which is a sort of joint Standing Committee of the Chambers of the Supreme Soviet (the Union Parliament)—interprets the laws of the U.S.S.R. and annuls decisions and orders of the

Governments of the Union and of the Constituent Republics in case they do not conform to law. [Article 49 of the Constitution of the U.S.S.R.]

The following account, taken from the "New York Times", of a very recent American case is of interest in this connection :—

> "The U.S Supreme Court held on June 3rd (1946) by a six-to-one decision announced by Justice Stanley F. Reed that racial segregation of bus passengers, as authorized by law in 10 States (called 'Jim Crowism' after a negro character in an old negro folk song), was unconstitutional on buses crossing State borders. The Court dealt with the case of Irene Morgan, a negro girl, who, when travelling in a bus going from Virginia to Maryland, had been arrested and fined 10 dollars for refusing to change her seat and sit in the rear marked 'For Coloured Patrons' (as is general in trolley cars, buses, and trains in the South), thus violating the Virginia 'Jim Crowism' statute. The Virginia Supreme Court of Appeal upheld the conviction, and in the hearing before the Supreme Court the State of Virginia defended the segregation law as 'recognition of human nature' arguing that it prevented racial clashes that might endanger public safety. The Supreme Court decided, however, that, there being no Federal Act dealing with the separation of races in inter-State transportation, the Virginian Statute interferes with the freedom of inter-State commerce which required 'uniformity' in the seating arrangements for the different races in inter-State travel, and for this reason was unconstitutional."

It has already been pointed out that the "equal protection" clause, as interpreted by the Supreme Court, does not prevent special legislation for special classes provided the classification is not arbitrary. It has also been pointed out that the task of deciding whether the clause, in a given case, is arbitrary or not is not easy. An illustration of this difficulty has already been given in the matter of anti-Trust laws ; a few others in the sphere of taxation may now be mentioned. In 1935, in the case *Stewart Dry Goods Co. v. Lewis* (294 U.S. 550), the Supreme Court held *invalid* a Kentucky law imposing a graduated tax upon annual gross sales of retail merchants ranging from 1/20 per cent upon the first $400,000 of gross sales to 1 per cent on sales over $1,000,000. In the language of the Court, "The law arbitrarily classifies these vendors for the imposition of a varying rate of taxation, solely by reference to the volume of their transactions, disregarding the absence of any reasonable relation between the chosen criterion of classification and the privilege the enjoyment of which is said to be the subject taxed."

But in the previous year (1934), in *Fox v. Standard Oil Co. of New Jersey* [294 U.S. 87], the Court had, by a majority of 5 to 4, *upheld* a West Virginia graduated tax running from $2 for one store to $250 for each store in excess of 75, saying that a series of gasoline stations maintained in a single ownership has the benefit of chain organization and that therefore the graduation of the tax according to the number of stores owned was not arbitrary. Again, in 1940, in *Madden v. Kentucky* [309 U.S. 83] the Court, with two dissentient Judges, *upheld* a Kentucky statute imposing on its citizens an annual *ad valorem* tax on their deposits in banks *outside the State* at the rate of 50 cents per 100 dollars and on their deposits in banks *within the State* at the rate of 10 cents per 100 dollars. This had been attacked on the ground, among others, that it discriminated between those who deposited their money in Kentucky banks and those who deposited their money in banks outside Kentucky and thus offended against the "equal protection" clause. The

Court observed (1) that in taxation, even more than in other fields, the legislature possesses the greatest freedom in classification, (2) that the presumption of validity attaching to legislation can be overcome only by the most explicit proof that the classification adopted by the legislature was "a hostile and oppressive discrimination against particular persons and classes", and (3) that in this case the treatment accorded to the two kinds of deposits *may have* resulted from the differences in the difficulties and expenses of tax collection.

We may now turn to another of the fundamental rights enunciated in the Constitution of the U.S.A. In the Fifth Amendment, which applies to the Centre, it is declared that no persons shall be deprived of life, liberty or property without due process of law ; and in the Fourteenth Amendment, there is a similar declaration applying to the States : "Nor shall any State deprive any person of life, liberty or property without due process of law". A vast volume of case law has gathered round this "due process" clause, of which it has been said that it is "the most important single basis of judicial review today". At first it was regarded only as a limitation on procedure and not on the substance of legislation ; but it has now been settled that it applies to matters of substantive law as well. In fact, the phrase "without due process of law" appears to have become synonymous with "without just cause", the Court being the judge of what is "just cause" ; and since the object of most legislation is to promote the public welfare by restraining and regulating individual rights of liberty and property, the Court can be invited, under this clause, to review almost any law. The Court has upheld laws providing for compulsory vaccination (1905) ; for compulsory sterilization of mental defectives (1927) ; for commitment of persons with a "psychopathic personality" (1940) ; but not a law forbidding the use of shoddy in the manufacture of mattresses (1926), nor one requiring every pharmacy to be owned by a licensed pharmacist (1928). The usual issue in such cases is whether what is called the "police power" of the State—in other words, the inherent power of every State "to prescribe regulations to promote the health, peace, morals, education and good order of the people" justifies the particular law under consideration. Since there is no certain criterion in these matters, the Court's verdict may vary from time to time. Thus in *Lochner v. New York* [1905, 198 U.S. 45], a New York law forbidding more than 60 hours' work in any week or an average of more than 10 hours per day in bakeries or confectionaries was held unconstitutional as infringing the liberty of the individual without due process of law. The judgment of the majority of the Court (5 to 4) observed :—

" The question whether this act is valid as a labor law, pure and simple, may be dismissed in a few words. There is no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker. There is no contention that bakers as a class are not equal in intelligence and capacity to men in other trades or manual occupations, or that they are not able to assert their rights and care for themselves without the protecting arm of the state, interfering with their independence of judgment and of action. They are in no sense wards of the state. Viewed in the light of a purely labor law, with no reference whatever to the question of health, we think that a law like the one before us involves neither the safety, the morals, nor the welfare, of the public, and that the interest of the public is not in the slightest degree affected by such an act. The law must be upheld, if at all, as a law pertaining to the health of the individual engaged in the occupation of a baker. It does not affect any other portion

of the public than those who are engaged in that occupation. Clean and wholesome bread does not depend upon whether the baker works but ten hours per day or only sixty hours a week. The limitation of the hours of labor does not come within the police power on that ground." But twelve years later, in *Bunting v. Oregon* [243 U. S. 426], the Court, without mentioning the Lochner case, upheld a ten-hour law for factories. Again, in 1923, in *Adkins v. Children's Hospital* [261 U. S. 525], the Court by a narrow majority overthrew an Act of Congress prescribing a minimum wage for women and children in the district of Columbia. But in 1937, in *West Coast Hotel Co. v. Parrish*, the Court, by a bare majority (5 to 4), overruled the Adkins case and upheld a Washington Act authorizing the fixing of minimum wages for women and minors. There has been similar oscillation in regard to laws providing for price-control and Dodd's comment on this line of cases is : " The question is one as to the efficient action of the government, while at the same time protecting the essential rights of the individual. The cases printed below will indicate that the court has wavered from one position to another, and may now be wavering back to its earlier position.". [Dodd's " Cases and Materials on Constitutional Law ", Third Edition, *p.* 649].

We are now in a position to realise some of the difficulties of the problem of fundamental rights. To enunciate them in general terms and to leave it to the Courts to enforce them will have the following consequences :—

(1) The Legislatures not being in a position to know what view the Courts will take of a particular enactment, the process of legislation will become difficult.

(2) There will be a vast mass of litigation about the validity of laws and the same law that was held valid at one time may be held invalid at another or *vice versa* : the law will therefore become uncertain.

(3) The Courts, manned by an irremovable judiciary not so sensitive to public needs in the social or economic sphere as the representatives of a periodically-elected legislative body, will, in effect, have a veto on legislation exercisable at any time and at the instance of any litigant.

As against these disadvantages and compensating for them, there will undoubtedly be the advantage that racial and religious minorities will feel some security. Many European Constitutions contain a declaration of fundamental rights, but there is often no Court with power to pronounce an offending law unconstitutional. Even in Switzerland, where the Federal Court is competent to entertain complaints of violation of the constitutional rights of citizens, the Constitution requires the Court to apply the laws passed by the Federal Assembly. [*See* Article 113 of the Swiss Constitution.]

The difference between the Supreme Court of the United States and the Swiss Federal Court in this respect is explained thus by Adams and Cunningham :—

" Every Judge of the Supreme Court of the United States is bound to treat as void all legislative Acts, whether proceeding from Congress or from the State legislatures, which are inconsistent with the Federal Constitution, or are in excess of the legislative powers which that Constitution confers. The Supreme Court only inquires into the validity of Acts of Congress for the purpose of determining a question brought before it in a legal proceeding.

The Federal Tribunal, on the contrary, cannot inquire into the constitutional character of a law or a resolution of a general nature which has been

adopted by the Federal Assembly, any more than of a treaty ratified by that body. It is bound by the Constitution to accept those laws and resolutions, and to apply them to the cases submitted to its judgment.

The reason is clear. The measures which, after being framed by the Federal Council and adopted by the Federal Assembly, are accepted by the people, either tacitly or through the Referendum, thus obtain the sanction of the Swiss people. Hence the Federal Tribunal must bow to the decision of the people, and regard all such measures as constitutional and inviolable." [" The Swiss Confederation " by Adams and Cunningham, 1889, *pp.* 267, 268.]

The Swiss Federal Court can, however, examine the constitutionality of *cantonal* laws.

The Irish Constitution of 1937 has followed the plan of separating " fundamental rights " from " directive principles of social policy "; the former are, to some extent, enforceable by the Courts, but the latter not at all. The former are set out in Articles 40-44 of the Constitution and the latter in Article 45, which begins thus : " The principles of social policy set forth in this article are intended for the general guidance of the Oireachtas (the Irish Parliament). The application of those principles in the making of laws shall be the care of the Oireachtas exclusively, and *shall not be cognisable by any Court under any of the provisions of this Constitution.*" There is no similar provision in Articles 40-44 expressly excluding the jurisdiction of the Courts. Some of the fundamental rights appear to be couched in terms which could be enforced by the Courts : *e.g.*, section 40(6)2° provides that laws regulating the manner in which the right of forming associations and unions and the right of free assembly may be exercised shall contain no political, religious, or class discrimination ; section 44(2)4° prescribes that legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations ; and so forth. Laws contravening these guarantees will doubtless be pronounced *ultra vires*.

But a provision such as " No citizen shall be deprived of his personal liberty *save in accordance with law* " occurring in section 40(4)1° cannot invalidate any law and is really meaningless as a guarantee against oppressive laws after enactment. Possibly it has a moral value and may afford ground for a referendum before the Bill becomes law, for under Article 27, Bills may be referred to the people, if they involve proposals of national importance. There is also a provision in Article 26(1)1° enabling the President, after consulting the Council of State (which is a sort of Privy Council), to refer any Bill to which the Article applies to the Supreme Court for a decision whether the Bill or any specified provision thereof is unconstitutional.

In the Austrian Constitution of 1920, certain fundamental rights were declared [*e.g.*, Article 7 declared " All citizens of the Federation shall be equal before the law. Privileges of birth, sex, position, class and religion are abolished"] and there was also provision for a Constitutional Court, in addition to an Administrative Court and the ordinary Courts of law. The ordinary Courts were not to inquire into the validity of any duly promulgated law [Article 89(1)], but the Constitutional Court was competent in certain circumstances to decide all such questions and to annul any laws, which it adjudged unconstitutional (Article 140) ; in addition, the Constitutional Court was expressly given power to entertain complaints of violation, by any administrative authority, of rights guaranteed under the

Constitution after the matter had been taken through all the stages of administrative appeal. [Article 144.] The net result of these provisions appears to have been that the Constitutional Court could annul a law as unconstitutional at the instance of the Federal Government or a Provincial Government [as the case might be] and to annul any administrative decision as unconstitutional at the instance of any aggrieved individual. The Constitutional Court consisted of a President, a Vice-President, and a number of other members ; the President, the Vice-President, and one half of the other members were elected by the lower House and the other half of the other members by the Upper House of the Federal Legislature. They were to hold office for life. Further provisions as to the organization and procedure of the Constitutional Court were to be prescribed by Federal legislation,

In the next Part of this pamphlet an attempt will be made to analyse the fundamental rights embodied in a few typical Constitutions and to suggest which of them may be included in the new Indian Constitution and what form they should take.

G[PD—M51CA—27-11-46—500

KONDA VENKATAPPAYYA

Guntur.
19th Jan 47

To
The Rt.Hon'ble M.R.Jayakar,

B O M B A Y.

Dear Friend,

Though late, let me thankfully acknowledge the receipt of your letter and telegram accepting the invitation to preside over the inauguration meeting of the All India League of Lingusitic Provinces. The meeting will be fixed on a date convenient to you-after consultation.

On the 17th inst, a business meeting of the League was held at Bezwada and a resolution was adopted proposing an amendment to the Resolution of Sree Pandit Jewaharlal Nehru, now before the Constituent Assembly. A copy of the proposed amendment was sent to you by wire, which I hope you have received by now.

Messrs.N.V.L.Narasimha Rau, Bar-at-law, N.C.Narasimha Chari, Advocate, Bombay, and G.V.Subba Rau will meet you and consult with you regarding the amendment and other

affairs concerned with the League.

I request you to propose the amendment yourself ~~and~~ after make such changes as you may think necessary

With best Regards,

Yours Sincerely,

Konda Venkatappayya

CONSTITUENT ASSEMBLY OF INDIA

CA

Council House,

CA/Accts(138)/TA-47 *New Delhi, the* 1st February 1947.

The Agent,
Imperial Bank of India,
New Delhi.

Subject:- PAYMENT OF T.A. CLAIMS OF MEMBERS OF THE CONSTITUENT ASSEMBLY.

The undersigned is directed to forward herewith a cheque No. 794725 dated 3rd February'47 for Rs. 592/-(Rupees Five Hundred and Ninety Two Only) and to request that a Demand Draft on the Imperial Bank of India, Ltd., Fort Bombay, may kindly be drawn in lieu thereof and sent to this office at an early date.

Sd/- S. K. BOSE.

Accounts Officer.

Copy forwarded to the Hon'ble Mr. M.R. Jayakar,
'Ashram' - Winter Road, Malabar Hills,
Bombay, 6 for information.

The Bank Draft will be forwarded to to his Bankers direct on its receipt from the Imperial Bank of India, New Delhi, with instructions to credit it in his accounts.

(S.K. BOSE)
ACCOUNTS OFFICER.

No. CA/Accts/2/47.
CONSTITUENT ASSEMBLY OF INDIA.

396 142

Council House,
New Delhi, the 3rd February, 1947.

Recd 7.2.47

Subject:- Rules governing allowances of members of the Constituent Assembly.

At its meeting held on the 18th January, 1947, the Staff and Finance Committee made the following modifications in the Rules governing allowances of the members of the Assembly:-

(a) that instead of a daily allowance of Rs. 30/- and a conveyance allowance of Rs.15/- per diem, a consolidated daily allowance of Rs. 45/- per diem should be paid to the members;

(b) that no haulage charge should in future be paid in respect of motor cars, but those members who actually had their cars transported for this session(January 1947 Session) should be allowed free haulage.

2. The above modifications were accepted by the Assembly at its meeting held on the 23rd January, 1947. Members are accordingly informed that in consequence of the above modifications, Rules 5(i) and (6) of the Handbook regarding the admissibility of conveyance allowance of Rs.15/- per diem and the free haulage of motor car respectively are being deleted and Rules 4-D and 9 ibid are being amended to denote that a consolidated daily allowance of Rs. 45/- per diem will be admissible to the members in future.

(H.V.R. IENGAR)
SECRETARY.

To

G/

All Members of the Constituent Assembly of India.

C.A

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From

The District Manager,
Delhi Telephone District,
New Delhi.

To

143

The Rt. Hon'ble Dr. M.R. Jayakar,
Member Council of State,
Winter Road, Malabar Hill,
Bombay.6.

No. CH/P-8/107 dated at New Delhi the 5th February, 1947.

Ref: Your letter dated 31.12.1946.

Sir,

With reference to your above quoted letter I am to inform you that bill No. CH. 27 dated 20th December, 46 may be treated as cancelled, since the connection was not used, though installed on information received through the Constituent Assembly Department.

I have etc.,

W.R. Harwood
Col.
District Manager,
Delhi Telephone District,
New Delhi.

CA

February 4, 1947.

Dear Mr. Padmanabhan,

I am writing this on behalf of the Rt. Hon'ble M.R. Jayakar, who wishes to thank your office for sending him the issues of the Constituent Assembly Debates, Nos. 4 - 9. While he was in Delhi and before he left, he received only Vol. No.1 of that series. He has not received the intermediate numbers 2, 3 and 4 and he will therefore be obliged if you will kindly have these sent to his above address at your earliest convenience.

Yours truly

KSV

Secretary to
The Rt. Hon'ble M.R. Jayakar.

K.V. Padmanabhan, Esq.,
Asst. Secretary,
Constituent Assembly,
New Delhi.

Estd. 1922.

JAT PAT TORAK MANDAL

(ANTI-CASTE SOCIETY)

Hospital Road, LAHORE.

Dated 10th February 1947

Dear Friend,

I, on besalf of the Jat Pat Torak Mandal, Lahore invite your pointed attention to the gravest problem of the country—the Caste System. Indian society, caste-bound as it is, is the most backward and most out-moded society of the world. Not only has caste divided the Hindus into thousands of water-tight compartments, but has also separated them irreconciliably from the Untouchables, Muslims and other Non-Hindus. It is at the very basis of the whole political conflict in India. Seventy millions of Untouchables are treated worse than animals because of their caste. Ninety millions of Muslims would accept nothing but separation simply because of the anti-democratic caste-ridden structure of the Hindu Society. And above all hundred and sixty millions of the so-called Touchable Shudras (or the Backward Classes of the Hindus) are the victims of social contempt imposed by caste which crushes their soul more than the foreign rule. The political tangle will, therefore, never be resolved until the demon of Caste is attacked on all sides. The New Government, if it is to establish genuine peace and democracy in India. must wipe out all the caste created inequalities through law as well as education.

For instilling the true spirit of democracy into the minds of the people of Free India, we emphasize the embodiment of the accompanying provisions in the Constitution that you are going to frame.

Yours sincerely

Sant Ram

President,

Jat Pat Torak Mandal, Lahore.

The Jat Pat Torak Mandal, Lahore appeals to all the members of the Indian Constituent Assembly and the public in general to see that the following provisions are incorporated in the Constitution of Free India.

As caste distinctions and the various forms of exclusiveness and untouchability based thereon are disruptive of society and repugnant to notions of human liberty, equality and unity, it is hereby declared:

(1) That the State shall not for any purpose what-so-ever recognise as valid or true, caste distinctions between Hindus or between Hindus and Non-Hindus, or among any other sections of the people of India.

(2) That every citizen of India shall have an inherent right to be protected against the infringement of his human dignity by the attribution to him of caste or similar social distinctions based on birth.

(3) That in every educational institution recognised by or receiving help from the State or local bodies pupils shall be instructed through text books and otherwise, that caste differences between man and man are untrue and inimical to peace and progress.

(4) That no person who claims to belong to a caste or does not disown caste shall be eligible for any office or position of trust or responsibility in the public services or under the self-governing bodies.

(5) That all branches of law and administration shall take step to bring their rules and practices into conformity with the above principles so that caste may be completely abolished as a State recognised institution not later than five years from the coming into force of this Constitution.

(6) And that publicly claiming, attributing, professing, practising or advocating of caste distinctions shall be an offence punishable under law.

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No.CA/23(3)-Ser/47
CONSTITUENT ASSEMBLY OF INDIA

Council House,
New Delhi,
the 11th February, 1947.

From

H.V.R.Iengar,Esq., C.I.E.,I.C.S.,
Secretary.

To

ALL MEMB RS OF THE CONSTITUENT ASSEMBLY.

146

SU JECT:- Constitution Club.

Sir,

I enclose a copy of the rules of the Constitution Club as framed by the House Committee set up by the Assembly.

You will observe from Rule 2 that Members of the Constituent Assembly shall on application be admitted as members of the Club without ballot. The House Committee hopes that all Members of the Assembly will join the Club and help to make it a success.

I enclose an application form which I hope you will fill up and send to me as soon as possible, together with a remittance for Rs 20/- covering subscription for one year.

I have the honour to be,
Sir,
Your most obedient servant,

(H.V.R.IENGAR)
Secretary.

Encl: 2

SAXENA
11.2.47

\ V '

(Placed

(Date).

To

THE HONORARY SECRETARY,

CONSTITUTION CLUB, —

NEW DELHI.

1>BAB SIB,

I desire to become a member of Constitution. Club and enclose a remittance for Rs. 20, being one yearZs-Subscription. I hereby agree to be bound by the Rules and Bye-laws of the Club. I am a member of the Constituent Assembly/Legislative Assembly (Central)/Council of State.' ■ - — ——

Yours faithfuDy,

Name^n. full (in block letters)

Previous Clubs (if any)

Present Address——

Permanent Addrbss.

CONSTITUENT ASSEMBLY OF INDIA

R U L E S

of the

CONSTITUTION CLUB

Curzon Road, NEW DELHI.

MEMORANDUM OF ASSOCIATION

OF THE

CONSTITUTION CLUB.

1. The name of the Club shall be the "Constitution Club, New Delhi".

2. The Office of the Club shall be situated in New Delhi.

3. The objects for which the Club is established are:—

(*a*) To afford to its members all the usual privileges, advantages, conveniences and accommodation of a Club.

(*b*) To provide facilities for games, sports and pastimes.

(*c*) Generally to do all such other things as are incidental or conducive to the attainment of the above objects.

RULES OF THE CONSTITUTION CLUB, NEW DELHI.

1. *Standard.*—Membership of the Club will be open to persons approved by the Governing Body (defined in rule 14) regardless of race, politics or creed.

2. *Exclusion of ballot in certain cases.*—The members of the Constituent Assembly and the Central Legislature shall on application be admitted as members of the Club without ballot.

3. *Members*—The membership of the Club shall consist of those mentioned in rule 2 and such other persons

(not exceeding 300 in number) as shall from time to time be elected as members in accordance with the rules.

4. *Proposal for membership* —Every candidate for admission to the Club (except those mentioned in rule 2) must be proposed by one member and seconded by another to both of whom he must be personally known.

5. *Election of members.*—Except as otherwise provided in rule 2, the election of a member shall be by ballot of the Governing Body taken at a meeting.

6. *Notice of election as members.*—On the election of a member the fact shall be notified to him in writing by the Secretary.

7. *Entrance Fee and subscription.*—Members elected under rule 2 above shall pay no entrance fee, but shall pay an annual subscription of Rs. 20/- on a date to be notified to them by the Secretary. All other members shall pay an entrance fee of Rs. 25/- and a half-yearly subscription of Rs. 25/-.

8. *Admission of Ladies.*—Ladies related to members are entitled to use the Club subject in all respects to the rules of the Club except rule 7.

9. *Visitors of distinction.*—The Governing Body is empowered to invite visitors of distinction to become Honorary Members of the Club during their stay.

10. *Guests.*—Members shall be entitled to bring not more than two guests a week, provided the guests are not permanent residents of Delhi and the same persons are not brought more than twice each month, without payment of any extra subscription or entrance fee.

A member may, however, on payment of a special subscription of Rs. 5/- per month, bring guests not exceeding five in number each week provided they are not permanent residents of Delhi, and the same persons are not brought more than once a week.

11. *Termination of membership.*—A member's connection with the Club shall terminate in any of the following ways :—

(1) By voluntary resignation in a letter addressed to the Governing Body.

(2) By his being found guilty, by an authority which in the opinion of the Governing Body is competent to do so, of an offence which the Governing Body considers to involve gross misconduct.

(3) By the removal of his name from the list of members under rules 20 and 21.

12. *Resignation of membership.*—Any member wishing to resign from the Club must give notice thereof in writing to the Secretary and must pay all subscriptions and sums of money due by him to the Club at the time of his resignation.

13. *Amendment of rules.*—These rules may be altered or added to at any time by a resolution passed by a majority of not less than three-fourths of the members present at a General Meeting. At least 14 days' previous notice shall be given to every member of the Club before any proposal to alter a rule is brought up for discussion at a General Meeting. This notice shall state in full the alterations proposed.

14. *Management of Club.*—The management of the affairs of the Club shall be vested in a Governing Body which shall consist of a President and 14 members. The Governing Body may delegate such of its powers as it may consider necessary for the day to day running of the Club to an Executive Committee which shall consist of five members elected by the Governing Body, the majority of whom shall be those generally resident in Delhi, with the Secretary as an *ex-officio* member.

15. *Vacancy in the Governing Body.*—The first Gover ing Body of the Club shall consist of such persons as ar nominated by the President of the Constituent Assembly and shall function till the first annual general meetin Any vacancy permanent or temporary occurring in th Governing Body in the course of the year may be fille up by the members of such Governing Body for th period of such vacancy. A vacancy shall be deeme temporary when a member is absent with the leave o the Governing Body.

16. *Election of President and Governing Body.*—Th President and members of the Governing Body shall b elected by ballot annually at the Annual General Meetin of the members of the Club. Two Vice-Presidents an an Honorary Secretary, who will also function as Trea surer, shall be elected from among its members by th Governing Body at its first meeting. A temporar vacancy shall be filled up during the period of absenc by an acting appointment made by the Governin Body.

17. *Quorum at Governing Body Meeting.*—At an ordinary meeting of the Governing Body five shall for the quorum. Each member of the Governing Bod shall have one vote and in the event of an equality o votes the Chairman shall have a casting vote.

18. *Chairman of Governing Body.*—In the absence o the President and Vice-Presidents, the Governing Bod shall elect its own Chairman.

19. *Meeting of Governing Body.*—The Governing Bod shall meet at least once every quarter to examine th accounts and the despatch of current business.

20. *Conduct of Members.*—If the conduct of a membe either within or without the Club premises is in th opinion of two-thirds of the members present at a Extraordinary General Meeting specially summone

to consider the case, injurious to the reputation and interest of the Club, such member shall cease to be a member of the Club.

21. *Prohibiting the use of the Club.*—The Governing Body may prohibit any member or members whose conduct forms the subject of enquiry under the above clause from using the Club pending the decision of the Extraordinary General Meeting therein referred to.

22. *General Meeting.*—A General Meeting of the Club shall be held in the month of December of each year or as soon thereafter as may be practicable.

23. *Ordinary and Extraordinary General Meeting.*—Such General Meetings shall be called Ordinary General Meetings ; all other Meetings of the Club shall be called Extraordinary General Meetings.

24. *Extraordinary General Meeting.*—The Governing Body at any time on their own authority may, or on the written requisition of 20 members shall, call an Extraordinary General Meeting, giving fifteen days' notice in writing to members, a copy of which shall also be posted on the Club notice board, specifying briefly the particular object for which it is called. Such General Meeting shall not be at liberty to discuss any other subject than that specified in the notification.

25. *Decision of Question.*—All questions in debate before any meeting, regularly convened, shall be decided by a majority of the members present. If there is an equality of votes the Chairman shall have a casting vote.

26. *Notice of Ordinary General Meeting.*—The Governing Body shall cause the Annual General Meeting to be notified at least 21 days before the day of meeting. Any proposition to be laid before the Meeting, or any adjourned meeting, shall be posted on the Club notice board not less than seven days previously.

27. *Proceedings of Ordinary General Meeting.*—The proceedings of an Ordinary General Meeting shall be :—

(1) To receive the Governing Body's report.

(2) To pass the accounts for the preceding financial year which shall be held to run from 1st December to 30th November.

(3) To consider the remarks (if any) of the Auditor-General on the accounts scrutinized by him in accordance with rule 35.

(4) To elect the President and members of a new Governing Body and the Vice-Presidents.

(5) To transact any other business duly brought forward.

28. *Amendment of Articles.*—When it is proposed to alter or rescind any of these Rules or to add thereto, a copy of the existing Rule (if any) and of the amendment proposed shall be sent to each member of the Club, together with a copy of the notice specified in Rules.

29. *Notice of Amendment by Members.*—When a member wishes to propose any alteration in the Rules of the Club, he shall intimate the fact to the Secretary forwarding at the same time a copy of the amendment proposed at least one month before the date of a General Meeting ; any other proposition which a private member intends to bring forward shall be similarly communicated to the Secretary at least 14 days before the date fixed for the General Meeting.

30. *Quorum of General Meeting.*—One-fifth of the total number of members or twenty members, whichever is less, present in person shall be the quorum for any General Meeting. In the absence of the President and the Vice-Presidents the members present shall choose one of their number to be Chairman.

31. *Want of Quorum at General Meeting* —If within half an hour from the time appointed for a General Meeting a quorum is not present, the Meeting, if convened upon such requisition as aforesaid, shall be dissolved, but in any other case it shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present those members who are present shall be a quorum and may transact the business for which the meeting was called. Every question submitted to the meeting shall ordinarily be decided in the first instance by the usual show of hands ; each member is entitled to a vote and in the case of equality of votes the Chairman shall have a casting vote.

32. *Accounts.*—The Governing Body shall cause accounts to be kept of all sums of money received and expended by the Club and of all matters in respect of which such receipt and expenditure take place and of the assets, credits and liabilities of the Club.

33. A statement showing the income and expenditure together with the profit and loss in the working of the Club during the preceding quarter shall be furnished by the Secretary to each member of the Governing Body for consideration at the regular quarterly meeting, and statements of the actual liabilities for the preceding quarter and of the outstanding debts (if any) due by members of the Club at the end of the previous quarter shall be laid on the table at each quarterly meeting of the Governing Body.

34. *Books of Accounts.*—The books of accounts shall be kept at the office of the Club or at such other place or places as the Governing Body thinks fit, and subject to any reasonable restriction as to time and manner of inspection that may be imposed by the Governing Body they shall be open to the inspection of members of the Club.

35. *Auditing of Accounts.*—The Accounts of the Club shall be scrutinized and audited in the same manner as the other funds placed at the disposal of the Constituent Assembly of India.

GIPD—M136CA—8-2-47—1,000

CA

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Resolution No. 2.

148

This Committee views with great concern, that during the period of the Koch (A powerful ruling Dynasty of Assam ending only a few years before the advent of Britiss in Assam) Rule, Assam's boundaries was extending upto the river Kortoa, including the present Dinajpur District , under the name of Kamrup and as such , there was a distinct linguistic and cultural unity with Assam throughout the entire region upto the boarder of Behar and even now these nothern districts of Bengal viz. Dinajpur , Jalpaiguri, Koochbehar , Rangpur and Darjeeling are closely related to the provinces of Assam culturally, linguistically , Racially , traditionally , most of the inhabitants of this region being Rashbanshi (Koch) in cast, which also forms the major population in the neigbouring district, Goalpara and in some other district of Assam.

This Committee therefore , considers it proper on the part of the Boundary Commission and hence claims to the Commission , to curve out the present western boundary such as it includes these aforesaid districts, while going to reconstitute the provinces on the basis of lingustic and cultural unity.

The Commission further decides to send a deputation to wait upon the Boundary Commission of the Constituent Assembly to explain the reasons supporting this claim and to furnish the Commission with the historical datas & up - to- date informations for the purpose.

Copy Forwarded- to all members, Boundary Commission.

Assam Provincial Mohila Samiti.

UZANBAZAR, GAUHATI.

43-

President :—
Bhubaneswari Goswami.

Jt. Secretaries :—
Chandraprabha Saikiani
Induprabha Barua.

Treasurer :—
Snehalata Das

Asst. Secy. :—
Kanaklata Barua

Office Secy. :—
Girija Barua

Secys. for different Sub-Committees :—

Organising :—
Chandraprabha Saikiani

Education :—
Prajna Chowdhury B A.

Industry and Economic :—
Annalata Duara

Social reform :—
Labanyaprabha Talukdar

Public Health :—
Dr. T. Roy Choudhury

Publicity :—
Priyalata Barua B.A.

Labour Sub committee :—
Labanya Dutta Choudhury.

No. 66-

Date 8.2.47.

149

Dear friend,

Herewith I enclose a copy of resolution passed in the working committee of the Assam Provincial Women's Conference held on the 19th Jan. '47 for favour of your kind consideration and necessary action.

Yours etc.,

Chandra Prabha Saikia.
General Secretary,
Assam Provincial Women's Conference.

Copy forwarded to all members,

Boundary Commission.

No.CA '5 'Ptg '47

CONSTITUENT ASSEMBLY OF INDIA

Council House,

New Delhi, the 13th February, 1947.

Dear Sir,

With reference to your letter dated the 4th February, 1947, I send herewith issues Nos. 2 and 3 of the Constituent Assembly 'Debates'.

As regards issue No.4, I am to state that the same has already been acknowledged in your letter under reply.

Yours faithfully,

(DHARAM YASH DEV)
Director of Publicity

The Secretary
to the Rt. Honourable Dr.M.R.Jayakar,
Winter Road,
Malabar Hill, BOMBAY-6.

HVR

February 17, 1947.

The Director of Publicity,
Constituent Assembly of India,
Council House,
New Delhi.

Dear Sir,

I am writing this on behalf of the Rt. Hon'ble M.R. Jayakar to thank you for sending him the issues Nos. 2 & 3 of the Constituent Assembly Debates.

Yours faithfully

Secretary to
The Rt. Hon'ble M.R. Jayakar.

C. A.

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B'bay.

February 17, 1947.

G.T. Bhide, Esq., M.A., LL.B.,
Advocate,
Nagpur.

Dear Sir,

I have received your letter of the 15th. I do not always get the time for studying the articles in the Kesari. But you deserve thanks from publicmen for the trouble you have taken in visiting Delhi and placing your views before those who are in high command and authority over the deliberations of the Constituent Assembly. I do not happen to occupy any position in this group, as you must have gathered from the Press reports of the proceedings of the Constituent Assembly during its last two sessions and, as a result, I have practically withdrawn myself myself from any active participation in the affairs of the Constituent Assembly, for I find that I am of no use on that Body. I shall try and ferret out your articles in the file of Kesari, which my Secretary is keeping, and, if I succeed in tracing it, I shall read it with great interest.

Yours truly

M. R. J.

G.T.Bhide.
M.A.LL.B.
Advocate

To.

Nagpur. 416

The Right Hon: M. R. Jaykar

Sir,

Ever since 1913, when you had been to address us at a Social Gathering of our Fergusson College, I had entertained very high regard for you. But there was no occasion till now either to see you or write to you. You must have read my articles in the Kesari of the 31st Jan & 4th Feb on "त्रिमंत्री-योजना व ते उत्पन्न मतांतरे विषयक". This was published in English on 23-12-46 in New India of Nagpur and some copies were sent at that time to the leading lights at New Delhi, with a prayer that 6th Dec statement may not be accepted. The scheme, with all its faults, has once been accepted and that there is no compulsion as to grouping could very well be proved to the hilt. In the last week of January 47, it so happened that I had the Chance of going to New Delhi, where one of the Newspaper Representatives took a copy of my article from me to be sent to the Mahatmaji at Naukhali. Now we find Mahatmaji's opinion expressed at prayer time at Khafillali on 11th & 12th instant that there is no compulsion as to grouping which is binding only when accepted. This is certainly a welcome change of view. His former statement to the same effect that Assam should not join groups was only an encouragement to the helpless situation of Assam bent upon agitation at that time. His present opinion is

is a considered one & more authoritative.

While in New Delhi from the 27th ~~jan~~ to 4th Feb I tried my level best to see many leaders and tried to persuade them to my view. Mr. G. V. Mavlankar gave me a personal letter to Mr K. M. Munshi whom I saw at Birla House & gave him the English copy of my article & the authorities (Appeal Cases) in support of the same. I saw Dr. Pattabhi who agreed with me. I had brief discussion with Acharya Kriplani to whom I was directed Dr. Rajendra I left one copy of the article with the sheet of authorities each with Parlokasing ICS, Secretary to Jawaharlal and Vidya Shankar ICS, Secretary to Vallabhbhai. one copy with authorities was taken by J. A. Goodale ICS (our old Fergussonian) Secretary (Public) to the Governor General.

May I request you to give me your opinion on my article in the Kesari and oblige. The reason is obviously given by कालिदास "आपरितोषात् विदुषां न साधु मन्ये प्रयोगविज्ञानम्"

I presume you must have read my article on सत्योदेक इको से आधुनिक देवो ची गाई काय? appearing in the Kesari of 17-7-45. May I invite your opinion on that also?

Hoping to [illegible] with a reply

Yours sincerely

G. T. Bhide

No. R [redacted] 221
CSPM [redacted] 50,000—6-45.

Telegraphic Address:
"STRINGENT."
POST BOX No. 238.

The Bank of India Limited,

18 FEB 1947

In reply please quote
No. R 6738

Bombay, No. 1. 19 .

154

The Right Hon. Dr. M. R. Jayakar,
"Ashram" Winter Road,
Malabar Hill, Bombay.

The Bank of India Limited, present their compliments and beg to acknowledge receipt of a remittance of Rs. 592/-
to be accounted for in accordance with the instructions given. per The Accounts Officer,
Constituent Assembly of India,
New Delhi.

for Accountant.

FOR SAFETY please CROSS cheques etc. by TWO THICK FIRM LINES right across the MIDDLE of the CHEQUES; and to avoid risk in transit, it is recommended that you send remittances of cheques, hoondies and other valuable articles by REGISTERED POST.

New India

—FORTNIGHTLY—

FOUNDED BY DR. ANNIE BESANT IN 1914

EDITORIAL BOARD

N. Sri Ram: Jamshed Nusserwanji: Rohit Mehta

Managing Editor: G. R. Venkatram

Vol. I. No. 13 | 15 APRIL 1947 | FOUR ANNAS

THE GLORY OF SERVICE

By George S. Arundale

New India daily, founded by Dr. Annie Besant on 14th July 1914 and closed on 15th March 1927, was revived on 10th April 1928 with two editions a day—morning and evening. New India Weekly was also continued, chiefly intended for overseas readers and for those in provinces resident outside Madras, and contained news of special interest to them. On the eve of the rebirth of the daily edition in 1928, Dr. George S. Arundale, our late editor, wrote the following article in the "Weekly" which we reproduce here as it is not merely of historical interest but is as apposite to the circumstances prevailing in the country today as they were nearly two decades ago.—Mg. Ed.

How glorious is the service of our mighty Motherland, and how great a privilege to to be in her service at such a time as this. India to-day stands on the threshold of her Freedom—a Freedom which is her birthright, a Freedom for which her noblest sons and daughters fought in the past and are fighting to-day, a Freedom which her splendid Rishis will that she shall have. Those who fight for India's Freedom in spirit of utter selflessness ; who fight relentlessly, yet ever honourably ; who fight with unquenchable enthusiasm, yet with courteous restraint ; who fight, never for a moment forgetting their chivalry, however much their opponents may forget theirs ; who fight unyieldingly, yet ever generously ; —such are India's true soldiers and sons and daughters, belong they to whatever Nation or Race.

Nothing can stand in the way of India's early emancipation from her thraldom, save her own weakness as manifest in the unworthiness of those who are in the forefront of the fight Be Britain however powerful, be her determination to withhold however fixed, be the threats of her statesmen however menacing, once the knell of India's servitude has been sounded by her spiritual Guardians, that servitude must cease. If we who work for India to-day prove unworthy, may we ruthlessly be swept aside, that those worthier may take our place. Now that India's face is square set to the goal, she may not be denied, either by those without or by those within, either by her foes or by those who are not worthy of their citizenship, of the splendid trust conferred upon them. Those who stand in the way, either through ignorance or through ill-will, shall in no wise stay India's irresistible onward march to her destiny ; and those of her sons and daughters who love and serve her passionately yet calmly, with their whole hearts yet seeking naught for themselves, will find themselves sure and certain of the out-come of the struggle, whatever be the fleeting phases of success and failure. No rebuff shall daunt them, no success elate them unduly. The goal is sure ; no need even for exultation. The fight must be won by us or by others. It must be won with little delay. Therefore let *us* win it. Let it be *our* proud privilege to be in at the end with all our strength, with all our wisdom, with all our devotion.

New India returns to be in at this glorious end. Round New India will rally those who love India, be they sons of her very soil or sons from other lands. In every department of India's life New India will sound the note of the Motherland's approaching Freedom, and will summon the workers in these fields to contribute of the wealth they garner for the service of the common Mother of us all. All faiths must contribute to India's Freedom, by uniting in bonds of common fellowship, by mutual understanding and forbearance. All social life must contribute to India's Freedom, by making custom inspiring and ennobling, rather than degrading. The educational life of India must

contribute to India's Freedom, by giving to her happy and patriotic sons and daughters who shall wisely use the inheritance of Freedom into which they are about to enter. The industrial life of India must contribute to India's Freedom, by giving the Motherland material prosperity deep-rooted in the happiness and contentment of the manual workers. The political life of India must contribute to India's Freedom, by fashioning noble forms for the inflow of the National Consciousness, so that every citizen may share in the mighty life according to the measure of his need, according to the measure of his wisdom. The cultural life of India must contribute to India's Freedom, through the glory of Indian art, Indian music, Indian philosophy.

NEW INDIA stands for India's Freedom and Literature in all the varied aspects of her complex life. NEW INDIA stands for wise Freedom, for a Freedom rich in Brotherhood, for a Freedom which binds and unites, not for a Freedom which drives apart. NEW INDIA stands for a Fellowship of Faiths; for National Brotherhood ever dwarfing all distinctions of colour, creed, caste and custom; for an International Brotherhood, in which each Nation shall be free and equal, to which each Nation shall contribute the gift of its genius and of its power, consecrated to the end of Peace Universal.

So stands NEW INDIA. God-speed to her, blessed as she is by Those whom she serves, as, rejoicing, she goes forth once more on the final pilgrimage. *Vande Mataram* !

ROWLEY SCHOOL OF THE HUMANITIES

BY DR. PHILIP WELTNER

President, Oglethorpe University, Atlanta, Georgia

The world has just witnessed in stark tragedy the crescendo of a titanic bout between two forces which long have faced each other in grim struggle. One is the will to power, that lurking instinct in the human breast which sates itself on dominion over other men. Sometimes the worst in human nature finds some focal personage about whom that worst can rally and then breaks loose in frenzied might. Such a personage was Adolf Hitler. The instinct that drew him followers and drove them on was quenchless lust for power.

Nineteen hundred years ago, the Man of Nazareth came into the world. At the outset of His ministry, He, too, felt the tug of power. The vision of the kingdoms of the world at His feet presented itself with full allure. But He represents a principle, the very antithesis of power ; a principle, the negation of power ; the principle of brotherhood. He left us a method and a prohibition—to lead, yes ; to drive, never. He recognized in each man, woman and child a tremendous potential, by some called soul ; by others personality—which must forever be free from coercion in order for that potential to release itself under the one condition necessary to human growth—the opportunity for personal choice. To accord to others that opportunity is respect for human personality, which Christ would have no man deny his fellow men.

These lines may sound abstruse, but great truths can be couched in the simplest terms, terms which any child can understand, yet which the deepest comprehension will never exhaust. When children are encouraged to be kind, is not that the first step towards respect for human personality ? Kindness and justice are attitudes of the mind towards all sentient life. In its highest form, it becomes a character which reinforces its integrity by freely according to others the opportunity to develop their own.

In 1889, George T. Angell founded the American Humane Education Society to foster and awaken, especially in childhood, the spirit of kindness as a first and, therefore, essential step towards human brotherhood.

Dr. Francis H. Rowley, for more than thirty-five years President of this Society, enlarged on the scope of this work, making the Society's influence felt, not only nationally but internationally, as well. In this country, for instance, more than eight million children have been enrolled in Bands of Mercy or Junior Humane Societies, an experience that greatly enriched their lives.

And now, due to the fact that other good men and true founded Oglethorpe University to help college youth grow and develop in terms of their highest humanity, the two parallel ideas will be combined and find expression in the Rowley School of the Humanities at our University, named in honour of Dr. Francis H. Rowley, Dean of the humane movement, as a mark of esteem for his outstanding contribution in the development of Humane Education in America and his great work for a better world.

To the present time, the Society has limited itself primarily to bringing the teachings of Humane Education to elementary and high school students, through its humane workers from the Atlantic to the Pacific, but with this new step, the fundamentals of these teachings will be correlated, also, with college subjects and brought to a higher level of education.

Oglethorpe University and the American Humane Education Society exhibit a purpose identical to each other in an on-going process whereby, in good time, the kingdoms of this earth shall become transformed into the Kingdom of God.

For Oglethorpe University to form a close association with the American Humane Education Society is an inspiring privilege. It is another of those links which some day will bind together all mankind in an abiding sense of brotherhood, begun in kindliness and justice and achieving maturity through informed and intelligent goodwill.

All things seen and unseen are beautiful when expressed by the Divine in His own way.—RUKMINI DEVI.

New India

Benares City 15 April 1947

Trust life; that is the great lesson for these days of change, for change is coming, change from every side. Those changes that are good will endure, and you must be very patient while they are in the making. Be full of hope and full of courage.

—ANNIE BESANT

INDIA'S ILLS: A DIAGNOSIS

Some one had remarked the other day that the talks now going on at New Delhi between the new Viceroy and some of India's top-ranking leaders have produced the least sensational effect on the public. Newspapermen and special correspondents, accustomed to sense the inside happenings with certain precocity on such occasions, do not seem to have been able to lift even a little of the lid that holds tight the confidence prevailing either at the Bhangi Colony or at the Viceregal Lodge. There have been very few tendentious reports, if at all, appearing in the press. The country seems to be curiously unconcerned about the trend of the talks going on between the Viceroy and the leaders. And such unconcern is only heightened by news from New Delhi that these talks are of an "exploratory" nature and that they may well last for nearly the next three months.

In the meantime strange events are happening in India for the proper understanding of which a right historical perspective is necessary. Such a necessary background is well furnished by the remarkably frank and objective analysis of India's ills today, made by the Home Member of the Government of India, Sardar Vallabhbhai Patel, in the course of a recent outspoken speech by him at Ahmedabad.

The speech perhaps was meant to constitute a reply to Mr. Jinnah's recent offer of "truce", though clothed in more conciliatory tone than is characteristic of the Home Member. How could it be a truce, he asked, when it was based on a demand that the Congress should surrender? To accept Pakistan was not a compromise, but surrender.

According to the report of the Special Correspondent of *The Times of India*, Sardar Patel asked what kind of a truce it was when, simultaneously with the offer, the League was preparing to invade Assam and uproot the Ministry of the Province and similar demands were made by show of force to break the Frontier Ministry. In the Punjab, the League was trying to force a purely communal Ministry over a little less than half the population of the Province.

Pakistan was not a plaything, the Sardar continued. In the Punjab this had been proved beyond doubt that neither the League, nor the Sikhs and the Hindus can form a stable Ministry without the co-operation of each other. That was the plight of the centre of Pakistan. It was a matter of shame that through internal differences, the Governor should rule over a Province on the eve of independence.

"The whole world is watching us. Britain has made public declaration that she will quit India by June 1948. Few doubt that declaration. Imperialism is at an end. It only remains for India to take over from Britain. The world is wondering why, instead of making arrangements to inherit power, we are quarreling among ourselves and killing each other."

Sardar Patel's analysis of India's present troubles was that there was nothing communal about it. It was the result instead of a feeling of uncertainty about the future, of mistrust of one another, of a sense of fear lest one Section should dominate over another. The Home Minister exhorted his countrymen to rise to the occasion and become worthy of the heritage and the great responsibility which was about to descend upon them.

The foregoing is indeed a very correct diagnosis of our malady at the present moment; but let us examine *with whom does the remedy lie.*

It is just precisely because India knows with whom the remedy lies that there is this curious manifestation of indifference on the part of the public to the talks now going on at New Delhi between the new Viceroy and India's top-ranking leaders. India has lived and learned that the remedy lies here and now in this land and not anywhere outside —in the plans and policies already embarked upon by all progressive elements in the country. The British Labour Government has been shrewd enough to realize this truth and to act upon it promptly by sending a Viceroy with great administrative ability and tact in the person of Lord Mountbatten to prepare for the change-over in the course of the next few months.

The sense of fear and mutual mistrust to which the Sardar referred as constituting our present ill is operative all over the land —in the Centre no less than in the smaller provincial settings, and it is very necessary that such fear and mistrust should be obliterated from the minds of the people by agreement amongst the leaders both on the wider and narrower spheres.

Such an agreement is possible only in

two ways: either by a completely new plan or on the basis of the Cabinet Mission's scheme to which the Congress has already unequivocally expressed its agreement and in pursuance of which it has undertaken responsibility at the Centre—responsibility that it is discharging with admirable adroitness and tact amidst very trying situations.

To implement the long term proposals of the British Cabinet Mission, the Constituent Assembly of India, which has been acclaimed as a statutory body, has been at work for some months now and has come to unanimous decisions in regard to certain fundamental issues. It is due to meet again shortly to continue its labours now being attended to by the special Committees set up by that body to deal with specific issues. We would respectfully urge the Viceroy to make it clear to the League leaders that the only constitutional way in which the Muslims of India, who are no less sons of the soil than Hindus, Parsis, Sikhs, Anglo-Indians, and Indian Christians, and all other creeds and communities, could gain their objective of freedom is by logical and immediate participation in the work of the Constituent Assembly. To this end, Pandit Jawaharlal Nehru and other leaders and the Congress Working Committee have already appealed to the League leaders. It is surprising that Mr. Jinhah has not thought it right to even summon the Working Committee of his League to discuss and arrive at a workable settlement. On the other hand, if the "truce" that he calls for on the basis of Pakistan is to be taken seriously by the country, it could only mean a partition which does place large and solid minority groups in the very position to which the Muslims themselves object. No amount of argument would lead us anywhere except to this conclusion. As the Bombay *Times* says, "Mr. Jinnah must be well aware that that is the only answer any reference to 'disinterested arbitration,' as suggested by Sardar Patel, could possibly give." Will the League leaders see that dilatoriness leads no one anywhere and contribute their effort in time for the final emergence of India as a free Nation?

—G. R. V.

IMMIGRANTS IN ASSAM

By Joken Saikia

It is commonly believed outside that the province of Assam abounds in cultivable wastes, but in reality the local Assamese people have little cultivable waste to fall back upon. The delusion—for it is hardly more than a delusion—is the result of the Muslim League propaganda based on the League desire to pack Assam with non-Assam immigrants.
The news of a "Mass Invasion" of certain areas of Western Assam from Bengal and the report that the Central Government are understood to be directing the Eastern Command to place troops at the disposal of Assam as a precautionary measure lends the accompanying article a highly topical interest.

The process of immigration into the province of Assam began as early as in the second decade of the present century. In the year 1911-12 a few Muslim immigrants made their entry into the province and occupied lands under a Zamindar in Goalpara. A few years later a number of immigrants from Mymensingh were settled in the district of Nowgong by the Deputy Commissioner. From the beginning the government, under the plea of increasing the revenue of the province, encouraged immigrants into it.

As there was some room for the immigrants at that time, nobody opposed their settlement in the province until 1920. Things went on smoothly enough so long as these cultivators were engaged in occupying only plots which lay vacant. But as they drew nearer to the areas held by the indigenous people, it led to a clash of interests between them and the local people and became a danger to the internal life and habit of the latter.

Meanwhile, some of the greedy immigrants had already succeeded, in the absence of any interference from the government, in taking possession of large tracts of land amounting from 500 to 1,000 bighas. These petty landlords imported more and more immigrants to work in their fields. Being hardpresed by the landlords after two or three years labour in their fields the immigrant labourers, who were called "Kamlas" by their lords, used to give up their service and became unemployed.

These unemployed persons began to encroach upon the lands of the indigenous people. Thus the increasing fall in the area of available waste-land gave birth to a struggle between the incoming immigrants and the local indigenous people. The nature of these immigrants were vividly described by many impartial officers, and here is an example. The Sub-Divisional Officer of Barpeta observed: "The immigrants are so violent in nature that it is impossible for indigenous people to live in their close proximity.....There are instances when villages have been abandoned, after a few families of immigrants settled in, for fear of molestation to women."

This was the state of affairs that led to the idea of keeping the immigrants away from the indigenous, particularly from the tribal people and settling them in separate blocks where lands were available. That idea was translated into a resolution by the district officer of Nowgong in 1920. By this resolution the lands of the districts were sub-divided into three categories—(a) those in which they could settle and (b) those in which the immigrants might settle freely, and (c) where a line was drawn on the map or on the ground on only one side of which the immigrants might settle, in order to protect the indigenous Assamese, especially easy-going people like Kacharies who could not fight against the virile Mymensinghias.

To stop hooliganism and fraud, the settlement work was placed in the hands of colonization officers

or Sub-Deputy Collectors and was known briefly as the "Line System" of Assam.

The area settled with the immigrants from 1921 to 1930 was 84, 349 acres by Hindus and 203, 018 acres by Muslims.

During the next seven years from 1930-37 not less than 7 lakhs of acres were settled with them. Over and above these lawfully settled areas, the immigrants according to Government calculations trespassed into scores of villages. Eviction of trespassers was, however, very unsatisfactory.

In 1937 the League Cabinet of the province headed by Sir Muhammad Saadulla favoured unrestricted inrush of Muslim immigrants into the province and began to settle them irrespective of the conditions under the so-called "line system". In response to popular opinion, a Committee was appointed and it submitted a report including minutes of dissent by the Assamese and immigrant members in 1938.

The report was largely pro-immigrant in its recommendations which included that the indigenous people should get protection from the govenment in the shape of control over the influx of immigrants. The committee admitted that there were no more waste-lands in the province and some districts were already over-populated.

In spite of this, the League Government of Assam scrapped the report and went on with their own policy of settling immigrants. But when the League Cabinet fell in 1938 and a Congress-Coalition Ministry was formed, the subject engaged thd earnest attention of the new government. The new government decided to open some forests and government reserves under a systematic plan to provide land to all the landless of the province both indigenous and immigrants. An adequate area for future expansion of the local people was also reserved. But the Government fell and nothing could be done. The Congress was directly influenced by the Lahore Resolution of the All-India Muslim League, ushering in lawlessness in Assam.

The policy of the League government, till the Congress again came to power, ushered in an era of lawlessness. Sir Muhammad in his eagerness to convert Assam into a majority province adopted a policy which practically invited the immigrants to come in thousands to Assam. The policy created a sensation in the minds of the people of the soil, but their protest went unheeded.

League leaders themselves went to East Bengal to persuade Muslim cultivators to come to Assam. The landlords there, in their eagerness to divert the tide of agitation against the Zamindari system, encouraged the tenants to come to Assam.

All the while, the indigenous landless people of the province prayed for land but in vain. This enraged the people and led to the fall of the Ministry in 1940. The government was censured and Section 93 rule was set up. This new government not only admitted that there was no land available for immigrants coming to the province after 1937, but also reversed the policy of Saadulla government in March 1942 and resolved to remove all encroachments from reserved areas and to keep them reserved in future, giving land to the old encroachers elsewhere. But before the policy could be carried out a League Ministry again came into power for the third time in the middle of the year and took up the reins of government in their hand. The time was suited for their machinations to bear fruit because, with the subsequent imprisonment of Congress leaders following the August Revolution, the League could do anything it liked. Now they used the plea of "Grow More Food Campaign" to their advantage and in the absence of cultivable wastes threw open a considerable number of professional grazing reserves for the immigrants, deciding not to levy any revenue for five years upon the new settlers.

When the news of this new policy reached the ears of the people of the East Bengal districts, immigration figures went up by leaps and bounds. Before the special officer, who was appointed to examine the Professional Grazing Reserves, could go into the matter, almost all the reserves fell a prey to countless fresh immigrants. The limit of 1938 was thrown to meaningless terms.

These P. G. Rs. (Professional Grazing Reserves) on the other hand play an important part in the life of the people of the province. These are the only source of (1) supply of draught animals for the plough or the cart, and (2) supply of milk, Assam being an agricultural country and the method of cultivation in the province being backward, the draught animals are of vital importance to the people. Mr. S. P. Desai, I.C.S., the Special Officer, after due consideration of available facts submitted a report in February 1944 which revealed that in some Sub-divisions the grazing reserve was not even one-sixth the total requirements. He came to the conclusion that all the grazing reserves should be cleared of encroachers.

Mr. Desai's report did not suit the Muslim League government and bitterness continued until the advent of Sjt. Gopinath Bardoloi. He attracted the attention of Mahatmaji to the subject, who in a message from Panchagani said: "If the people feel that the present policy of the Government on settlement and immigration is oppressive and anti-national, let them fight it non-violently, if necessary."

The Governor of Assam, Sir Andrew Clow, in his inauguration speech, characterised the subject as the most important problem of the day. There was an assurance from the side of the government previously that they would do according to the decision of the All Party Conference; but they accepted a resolution on the subject on 15th January 1945 in which the provisions of the agreement were considerably altered. The result was that the non-Muslim members of the conference withdrew their consent and a reshuffling of the Ministry took place on the Land Settlement issue again by the end of March 1945.

The new Government headed by Sir Muhammad decided to supercede all previous policies and to implement a new one based on the terms of the All-Party Agreement. They formulated a policy to be governed by four main objects: (a) The establishment of a system of planned settlement so designed that when allowance has been made for the future expansion of the existing population, the remaining areas of cultivable waste lands may be settled to the best advantage as early as possible with those whose need is the greatest, i. e., with those who have no land or insufficient land for their support, (b) the recognition of landless immigrants from other provinces who came to Assam before Ist January 1938 as being equally entitled with landless indigenous persons to consideration in the allotment of surplus cultivable waste on application, (c) the protection of the tribal classes in areas predominantly occupied by them against aggressive elements which are apt to endanger the normal economic and social basis of village life, and (d) the maintenance of all reserves necessary for grazing or other purposes free from encroachment and, subject to certain exceptions, the eviction of all encroachers therefrom.

With the Congress again in power from February, 1946, the subject was again taken up, but it was decided not to revise the policy which the Saadulla Cabinet adopted after full agreement with other parties concerned.

The only new thing they decided to do was to accelerate the process of giving effect to the proposal and the Revenue Minister proposed to have an "enumeration of the landless people and devise measures by which the landless as well as those who have got un-economical holdings were settled in better and more economic holdings."

It is commonly believed outside the province that Assam abounds in cultivable wastes, but in fact there is no actual reason except the League propaganda to back such a belief. The previous Government of Assam, in spite of repeated requests from the indigenous people, did not take up the matter of re-surveying the cultivable land of the province and as such no accurate and definite figures of waste land are available.

The Congress Government is attempting to collect figures of available wastes. The six districts of the Brahmaputra valley affected by immigration, viz., Lakhipur, Sibsagar, Nowgong, Kamrup, Darrang and Goalpara have a total area of 23,795 sq. miles. Excluding about 11,295 sq. miles comprising hills, rocks, beels, marshes, jungles and rivers, we get about 12,500 sq. miles or about 236 lakhs bighas of cultivable land. A good portion of this amount is very low and remains under water for more than six months, and as such is not suitable for cultivation.

The influx of immigrants was so virulent that the Census Superintendent in 1931 was constrained to observe, "Probably the most important event of the province during the last twenty-five years, an event, which seems likely to alter permanently the whole future of Assam."

It is quite clear that the land settlement question of Assam is not quite the finding of land for the landless people. A large portion of landless people have remained so for all times, the fathers before them and the children after them, while the Dewaniasm Matbors and other rich men among the immigrans are acquiring large estates of land extending over hundreds of acres, by bribery and corrupt and deceitful methods.

Neither is it a question between the indigenous peasants and immigrants, but a struggle between a nation on the one hand and a gang of exploiters on the other. The invaders, the aggressors of the worst type, want to exterminate the Assamese with their distinct culture and civilization. The Assamese, on the other hand, stand for their birth-right of retaining their own in the bosom of their beloved Motherland.

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OUR POPULAR GOVERNMENTS AT WORK

Social and Cultural Development: A New Experiment

A new experiment in the field of social and cultural development is being made in the United Provinces with the assistance of Shrimati Mira Ben, Honorary Special Adviser to the Provincial Government. The scheme involves intensive activity in eight villages in the neighbourhood of Kisan Ashram near Jwalapur (District Saharanpur), the headquarters of Shrimati Mira Ben, and the building of two model villages. In its dual aspect, namely, experiment and demonstration on the one hand and intensive development on the other, it is calculated to serve as a model as well as bring immediate benefit to the 5,000 inhabitants of the eight villages concerned.

In connection with the Model Village project, 58 acres of land of the Emergency Landing Ground have already been taken over and a further 10 acre plot in the vicinity belonging to non-resident Zamindars of Rhorkee is to be purchased or acquired to secure a total area of 68 acres. On this will be settled a Co-operative Group of Cultivators, drawn mostly from landless labourers, each with an economic holding of 8 acres and a pair of bullocks and two cows. There will also be a small group of cottages of craftsmen, weaver, *dhobi*, blacksmith-cum-carpenter, *teli* and a *Kumhar*. Each of these cottages will have a garden plot of one acre, sufficient for growing vegetables and a few fruit trees. In addition to these families, there will come to settle a number of other cultivators, whose fields adjoin the Emergency Landing Ground, but who live in villages at a considerable distance therefrom. The Khaddar Department at present functioning in the Kisan Ashram is to be installed here and a small centre of leather workers is also proposed to be set up.

The complete Model Village will consist of about 30 families, a school, a dispensary, a Panchayat-ghar with a play-ground, a Women's Welfare Centre and an allotment garden. Government have decided to place funds at the disposal of Shrimati Mira Ben for the purpose of giving subsidies in kind to families invited to settle here.

Another Model Village will be formed by re-siting Bicchhpuri which has been devastated by the hill torrent, Pathri Rao.

THE PROGRAMME

The eight villages coming within the intensive development scheme (for which the necessary staff, etc., has been sanctioned by the Government) will be divided into four groups of two villages each. Every group will be under an organiser who will organise, guide and supervise Panchayats and will, through the agency of the Panchayats, take up the development of approach roads and inter-village roads; the improvement of drinking water supply by repairing wells or providing new wells and hand pumps; the construction of drainage, pavements, Panchayat-ghars, etc., and the organization of 'Culture Clubs' and 'Seva-dals,' both of young boys and adults. It is the Panchayats that will carry out the improvements. Grants to the extent of 3/5ths of the cost will be given to them by the Development Committee which will technically be the Sub-Committee of the District Rural Development Association, Saharanpur; grants from Government for various development schemes will be placed at the disposal of the Committee.

A notable feature of the programme is the proposal to set up Women's Welfare Centres in two villages in the first instance and to extend this scheme in due course to the remaining 6 villages when suitable and trained workers become available.

Each of the two centres will be placed under a trained Women Welfare Worker assisted by a local woman worker. The duties of these Welfare Workers will be to organise Women's Panchayats and impart literacy, to introduce home-crafts such as carding, spinning, knitting and sewing, to supply home remedies and run a Child Welfare Centre. Both the villages will, of course, have buildings, equipped with necessary material, to house the Women's Welfare Centres.

The separate Women's Panchayats, which are to be organised in all the eight villages, are intended to function as integral parts of the general Panchayats dealing with village advancement, and to train and prepare women for direct participation in the work of the general Panchayat.

INDIAN ART THROUGH THE AGES

I. Its History

By Prof. V. N. Bhushan

Confining myself to the Art-traditions of India, let me ask the pertinent question: How many of us are deeply aware of those halcyon days in which Indian Art and Architecture rose to their highest pinnacle? How many of us are alive to the fact that in dim half-forgotten days our artists and sculptors turned even stones into scriptures, and flung the girdle of æsthetic enjoyment round our land? We in modern times are apt to look askance at them with the settled conviction that they were crude and barbaric ages, devoid of the light of improved knowledge and advanced amenities. But, have we ever visited the sacred places in India and seen the ancient temples there? And, while standing in their sacred shadows, have we ever paused to think of their antiquity and artistry?

Do not, pray, question as to what Indian Art has achieved. Despite the havoc wrought by the ravages of Time, we yet can view around us the scattered remnants of the bygone glories. The stately temples of South India, especially in Tanjore, Trichinopoly and Madura; the Sittannavasal caves in the Pudukotah State; the frescoes and friezes of Ajanta, Ellora, Elephanta, and Bagh; the Dilwara Jain temples at Mount Abu; the stupas of Amaravati, Sanchi and Saranath; the mural decorations of the Yogimara caves in the Central Provinces; the snow-white marble dreams at Agra and Delhi; and finally, the safeguarded treasures in the British Museum;—behold all these, and bow down with folded hands. In their sanctifying presence will you realise the holy import and spiritual significance of Indian Art. Then will be revealed to your astonished gaze the manifestation of the Divine in drab and dreary stones

The history of Indian Art is very old. Though at the present time Indian Art is at a very low ebb, yet in the past it enjoyed its high-tide. It received the blessings of sages and saints; obtained the patronage of royalties; secured the support of the wealthied classes; directed the moral and the spiritual outlook of the people; and helped to increase the beauty and splendour of the land.

In the history of Indian Art there are three main stages,—the Hindu, the Buddhistic, and the Moghul. In the most high and palmy times of the Hindu era, the ideal of the artist was indeed noble and magnificent. Art, then, centred round Divinity, and worked into form the figures of Gods and Goddesses. Vishnu poised on the folds of the hooded Sesha; Shiva mounted on his sturdy milk-white bull; Lakshmi on her lotus-throne; Saraswati with her stringed Kachhapi; Rama in his exiled wanderings; Krishna with his flute and the truant gopis; Nrisimha with his awe-inspiring teeth and sword; Nataraja in dancing ecstasy;—these were some of the ingenious fancies chiselled into shape. The Hindu artist was independent, enterprising and devoted. On the bark of joy he set afloat across the Ocean of Form, and brought home coral cargoes. On wings of Imagination he soared into regions unseen and beheld the great Gouri-Shankar couple on white mountain tops, and the gleaming heavenly hosts in God's own abode. Such were his dreams and deeds.

In Buddhistic age, true it is, that the divine ideal of Art was warped a little, but not completely forgotten. The high Hindu traditions were forsaken to a certain extent. Buddhistic Art has not imaged Divinity or the celestial denizens, but it has created scriptures on stones. It dreamed of the Nirvana ideal. The whole country was studded with Buddhistic images and stupas. World-forsakers and world-losers, the Buddhistic *bhikkus* were still the movers and shakers of the artistic world. Patiently, yet persistently and powerfully, they hewed hill-sides and mountain-caves, and filled them with figures from their deft hands. Their craftsmanship beats all record. They were perhaps inspired with the faith that though the Buddha passed out into the Beyond, Buddhism should live for ever. Not only did they fill the whole land with their *viharas* and *tapovanas*, but also reverently carried the Goddess of Art on their heads athwart seas to distant lands. Art aided their religious propaganda, true, but too achieved the singular distinction of spreading beauty across land and over the seas.

Later, in the Moghul times, Indian Art abandoned its august ideal and became a refuge in the palaces of the Badshas. It pampered their pleasures and tickled their vanities. Most deplorable this; its fall from a high pedestal, but we must not forget that Art still retained its inherent vitality and inner rapture. It imbibed and assimilated new influences and put forth delicate and darling petals. It reflected the glory and grandeur of the Moghul Empire and sang the praises of their *Samrajya Lakshmi*. It rowed serenely on the sempiternal stream of Love, and thrilled spotless marbles into a thousand flowery shapes. Especially, under the ægis of Shahjehan and Akbar who was himself a painter of good promise and rich fulfilment, artists blossomed forth with all their delicate skill. Who can see the Moghul works of Arts and remain silent without feeling an inexplicable thrill? Contemporaneous with the Moghul times and till half a century later too, various other schools of Art flourished—the Rajasthanee, the Pahri and the Kangri schools. Though short-lived, these were advanced in their achievement, combining as they did idealism and realism in their representations, revealing the inner secret of things. With simple contours and brilliant colours, the Rajasthanee art attempted a correlation of distinct arts, specially, the *ragamalas*—the several Indian melodies and their associations. Rigid with rules and regulations, Indian music yet was portrayed with marvellous imagination and dazzling brilliance. In the *Ragini* art-productions—most of them were portrait-paintings—the music-enchanted soul of the people kept rhyme and rhythm with the song of the universe. The efflorescence was effective, though feminine.

The Kangra Art combined secular and spiritual ideals, and dealt with the amours of Radha and Krishna. It was fundamentally feminine in tone and temperament, with flowing lines and flower-like figures, but at the same time possessed irresistible charm and graceful sentiment.

The Pahri school too, akin to the Kangra one, busied itself with *puranic* themes and mythological scenes, and expressed itself in characteristic style through the conventional and convenient symbolism of Vaishnavaism. Love was its main inspiration, and expressed itself in variegated deathless forms. Thus extending her influence for nearly two thousand years, inspiring in people aesthetic taste and receiving royal patronage, Indian Art by the middle of the 19th Century made its exit from our unfortunate land. But her radiant footprints—the scattered remnants of centuries—still echo her ancient fame, and remain as fountain-heads of faith.

Fortunately, through the renaissance winds that are sweeping over our land, and through the renewed vigour of our own artists and the enthusiasm of alien friends, Indian Art is once more receiving a fillip, and promises to regain her olden glory. The Art Centres at Bombay, Bengal, Andhra, Madras and Delhi are leaving no stone unturned to instal the Goddess of Art on her golden pedestal once again.

The Village Teacher

The Congress has always looked upon the village teacher as the backbone of the country's progress and his place in the cultural life of the country is indeed high. From ancient times, the *guru* in India has been a venerated and austere figure. The respect the guru commanded was as much due to his knowledge as to his vow of service and poverty. This great and grand tradition, venerated throughout the Eastern countries, has been woefully violated by the primary teachers during their recent agitation. From Morocco to Manchuria the village-school master was, from times immemorial, looked upon as a friend, philosopher and guide, rather than an employee. The introduction of Trade Unionism into this profession, it is feared, spells the doom of its character-building utility and the destruction of the respect and veneration which we all felt for the teacher. And all this damage has been done for no cause whatsoever. Within the limits of its finances the Central Provinces Government has done its utmost to give relief to the teacher as the details which follow will show.

The primary school teachers in the province now receive Rs. 30/- per month as basic pay plus Rs. 11/- as compensatory cost of living allowance. The compensatory cost of living allowance is higher at certain places, which is double the pay they used to receive so far. Average salary of the primary teachers in the province when the war broke out and for a long time during the pendency of the war was about Rs. 15/- per month. In 1945-46 Government agreed to provide funds to the local bodies to enable them to pay Rs. 6/- per month as compensatory cost of living allowance to all the teachers. Government undertook to pay half of the cost under this head i.e. Rs. 3/- per month per teacher on the condition that the local bodies paid from their own funds at the same rate. This cost Government Rs 3,68,000/-.

In 1946 the Congress Government considered the amount of compensatory cost of living allowance paid to the primary teachers under the local bodies to be insufficient and provided funds to enable the teachers to get Rs. 5/- per month as additional compensatory cost of living allowance. In effect the minimum compensatory cost of living allowance for primary school teachers was raised from Rs 6/- to Rs. 11/- per month, towards which Government contributed Re. 8/- per month per head. This cost Government an additional sum of Rs. 4,50,000/-. At certain places, like Jubbulpore, the primary teachers under the employment of the Municipal Committee were getting compensatory cost of living allowance at Rs. 16/- to Rs. 18/- according to their grades of the basic pay.

In 1946–47, Government further decided to revise the grants for maintenance paid to local bodies. The ordinary maintenance grant paid during many years in the past was Rs. 18,80,064/- annually. Government revised it and nearly doubled it by an addition of Rs. 11,97,526/- and directed the local bodies to utilise the increased grant to raise the minimum basic pay of the teacher to Rs. 30/- per month.

Towards the end of February 1947, Government further considered the position relating to the emoluments received by the teachers in primary schools and decided that :

(i) The minimum pay of every teacher in the primary and middle school throughout the Central Provinces and Berar shall be Rs- 30/- per month.

(ii) The existing rates of compensatory cost of living allowance (Rs. 3/- paid by local bodies and Rs. 8/- by Government) will be maintained.

(iii) If any local body is paying more than Rs. 3/- per month as its share, the higher rate shall be maintained.

It is estimated that the cost of raising the basic pay to Rs. 30/- per month and additional compensatory cost of living allowance would work out to more than Rs. 5,00,000/- annually and the total expenditure on the salaries and compensatory cost of living allowance of primary teachers borne by Government would be more than Rs 42,00,000/-. The total Government assistance to local bodies has increased almost by 150 per cent as compared with what they were ordinarily paid. The total expenditure on primary education is thus coming to about Rs. 82,00,000/-.

It is believed that even the figures given above may have to be revised and the actual cost may work out to be much more heavy than anticipated. Every one has, therefore, to see that there is after all limits to the resources of our popular governments and that the primary teachers are, after all, not the only persons who have been hit by the trouble from which all the world is suffering.

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